



Journal of the House

State of Indiana

122nd General Assembly

First Regular Session

Fifteenth Day

Wednesday Morning

February 17, 2021

The invocation was offered by Matt Barnes of the Public Servant's Prayer.

The House convened at 10:00 a.m. with Speaker Todd M. Huston in the Chair.

The Pledge of Allegiance to the Flag was led by Representative May.

The Speaker ordered the roll of the House to be called:

Abbott	Karickhoff
Andrade	King
Austin	Klinker <input type="checkbox"/>
Aylesworth	Lauer
Baird <input type="checkbox"/>	Ledbetter
Barrett	Lehe
Bartels	Lehman
Bartlett <input type="checkbox"/>	Leonard
Bauer	Lindauer
Behning	Lucas <input type="checkbox"/>
Borders	Lyness
Boy	Manning
Brown, T.	May
Campbell	Mayfield <input type="checkbox"/>
Carbaugh	McNamara
Cherry	Miller
Clere	Moed <input type="checkbox"/>
Cook	Morris
Davis	Morrison
Davisson	Moseley
DeVon	Negele
DeLaney	Nisly
Dvorak <input type="checkbox"/>	Olthoff
Eberhart	Pack
Ellington	Payne
Engleman	Pfaff
Errington	Pierce
Fleming	Porter <input type="checkbox"/>
Frye	Prescott
GiaQuinta	Pressel
Goodrich	Pryor
Gore	Rowray
Gutwein	Saunders
Hamilton	Schaibley
Harris	Shackleford
Hatcher	Slager
Hatfield <input type="checkbox"/>	Smaltz
Heaton	Smith, V.
Heine	Snow
Hostettler	Soliday
Jackson	Speedy <input type="checkbox"/>
Jacob	Steuerwald
Jeter	Sullivan
Johnson	Summers <input type="checkbox"/>
Jordan	Teshka
Judy	Thompson

Torr
VanNatter
Vermilion
Wesco

J. Young
Zent ☐
Ziemke
Mr. Speaker

Roll Call 145: 88 present; 12 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 18, 2021, at 10:00 a.m.

LEHMAN

The motion was adopted by a constitutional majority.

HOUSE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: House Bills 1164, 1177, 1357, 1448 and 1454.

Representative Speedy, who had been excused, is now present.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1348

Representative Soliday called down Engrossed House Bill 1348 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 146: yeas 85, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Messmer and Koch.

Representatives Klinker and Lucas, who had been excused, are now present.

Engrossed House Bill 1356

Representative Wesco called down Engrossed House Bill 1356 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 147: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Doriot, Crider and Donato.

Representatives Bartlett, Dvorak, Hatfield and Mayfield, who had been excused, are now present.

Engrossed House Bill 1397

Representative Goodrich called down Engrossed House Bill 1397 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 148: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Raatz and Houchin.

Representative Porter, who had been excused, is now present

Engrossed House Bill 1407

Representative Engleman called down Engrossed House Bill 1407 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 149: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Grooms, Charbonneau and Tallian.

Engrossed House Bill 1436

Representative Thompson called down Engrossed House Bill 1436 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 46, I request to be excused from voting on the question of House Bill 1436. Pursuant to House Rule 168, I cannot be fully objective when considering the proposition. I currently have a legal action related to the subject matter of the bill.

STEUERWALD

Motion prevailed.

Roll Call 150: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Messmer.

Engrossed House Bill 1438

Representative Cook called down Engrossed House Bill 1438 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 151: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Raatz and Crane.

Engrossed House Bill 1441

Representative DeLaney called down Engrossed House Bill 1441 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 152: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators L. Brown and Niezgodski.

Engrossed House Bill 1447

Representative Vermilion called down Engrossed House Bill 1447 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 153: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Zay and Charbonneau.

Engrossed House Bill 1478

Representative Engleman called down Engrossed House Bill 1478 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 154: yeas 78, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Donato.

Representative Morrison, who had been present, is now excused.

Engrossed House Bill 1549

Representative Behning called down Engrossed House Bill 1549 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 155: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Raatz and Crane.

Engrossed House Bill 1553

Representative Behning called down Engrossed House Bill 1553 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 156: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was

directed to inform the Senate of the passage of the bill. Senate sponsors: Senators K. Walker and Raatz.

Engrossed House Bill 1564

Representative Behning called down Engrossed House Bill 1564 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 157: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Baldwin and Leising.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:52 p.m. with the Speaker in the Chair.

Upon request of Representative Karickhoff, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 158: 92 present. The Speaker declared a quorum present.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 10

The Speaker handed down Senate Concurrent Resolution 10, sponsored by Representative Hatfield:

A CONCURRENT RESOLUTION congratulating the Reitz Memorial High School boys soccer team on winning the 2020 Indiana High School Athletic Association ("IHSAA") Class 2A state championship.

Whereas, The Reitz Memorial High School boys soccer team captured the IHSAA Class 2A championship title by beating Fort Wayne Canterbury;

Whereas, The Tigers boys soccer consists of teammates Ben Weikert, Matthew Sternberg, Derek Stofleth, Max Brasseale, Garland Hall, Kole Stratman, Alex Fisher, Leland Morris, Ian Lindsay, Noah Hancock, Oliver Theby, Isaac Bennett, Aidan Johnson, Evan Harding, Drew Garrison, Tyler Beeler, Henry Baer, Isaac Robertson, Wyatt Fulkerson, Evan Dean, Grant Frasier, Ryan Morris, Stevenson Jean, Evan Hudak, and Andrew Hargis;

Whereas, The Tigers defeated the Scottsburg Warriors in the regional championship with a score of 4-1;

Whereas, The Tigers beat the Guerin Catholic Golden Eagles in a semi-state match-up by a score of 4-3;

Whereas, The Memorial Tigers captured the 2020 IHSAA Class 2A title over the Canterbury Cavaliers by a score of 3-0;

Whereas, In the first half, the Tigers picked up their first point of the game, when teammate Garland Hall scored with an assist by Evan Harding;

Whereas, The Tigers' shots on goal were relentless, with senior Isaac Bennett scoring again just before the half-time buzzer, and then a third point going to Drew Garrison, with an assist from Max Brasseale; and

Whereas, The Tigers, led by coach Bill Vieth, finished the season with an 18-3 record and earned the school's sixth state championship in boys soccer: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana Senate congratulates the Reitz Memorial High School boys soccer team on winning the 2020 IHSAA Class 2A state championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to each member of the Reitz Memorial High School boys soccer team

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 11

The Speaker handed down Senate Concurrent Resolution 11, sponsored by Representative Pack:

A CONCURRENT RESOLUTION congratulating the Covenant Christian High School football team on winning the 2020 Indiana High School Athletic Association ("IHSAA") Class A state championship.

Whereas, Covenant Christian High School was founded in 1995 on the west side of Indianapolis and has a student body of approximately 350 students;

Whereas, Covenant Christian High School began their football program in 2014;

Whereas, While judiciously navigating the disruption caused by the COVID-19 pandemic throughout 2020, Covenant Christian's first year head coach, Shawn Lyons, led the Warriors to a perfect 15-0 record and an overall ranking of 30th of all high schools in the State of Indiana;

Whereas, The Covenant Christian Warriors defeated the South Putnam Eagles in the regional championship with a score of 48-7;

Whereas, The Covenant Christian Warriors decisively beat the West Washington Senators in a semi-state match-up by a score of 55-8;

Whereas, The Warriors' perfect football season culminated at the 48th Annual IHSAA Class A football state finals on Saturday, November 28, 2020 at Lucas Oil Stadium in Indianapolis;

Whereas, With less than five minutes left in the fourth quarter and down by 7 points, Warriors quarterback, Austin Frazier, threw to Adrian Terry, who ran for a 31-yard touchdown, tying the score;

Whereas, Warriors senior, Gage Coffey, made a 34-yard run and scored the winning touchdown;

Whereas, In the final two minutes of the game, the Warriors' defense blocked the South Adams Starfires' two-point conversion attempt, clinching the win for Covenant Christian High School;

Whereas, After a hard-fought battle against the South Adams High School Starfires, in what was described as an "instant classic" in the IHSAA State Finals history, the Warriors prevailed 41-40 to win their first Class A football championship; and

Whereas, This 2020 state championship represented the first state championship in any sport for Covenant Christian High School: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Covenant Christian High School football team on winning the 2020 IHSAA Class A state championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to each member of the Covenant Christian High School football team

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

ACTION ON GUBERNATORIAL VETOS

Senate Enrolled Act 148

MESSAGE FROM THE GOVERNOR

By the authority vested in me as Governor of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto Senate Enrolled Act No. 148, enacted during the second regular session of the 121st General Assembly and related to zoning and housing matters.

While I understand the bill was intended to create uniformity between state and local law governing the relationship between landlords and tenants, I believe this is not the right time for such language to become law. Since the Indiana General Assembly adjourned just two weeks ago, circumstances have changed dramatically and I have taken numerous steps to protect Hoosiers from the spread and effects of COVID-19. As part of our response, I signed Executive Order 20-06 prohibiting eviction or foreclosure actions involving residential real estate or property to protect Hoosiers during this public health emergency.

Further, I believe the language in the bill is overly broad. If enacted it would prevent almost any type of local control over landlord-tenant relationships. It even contains a particularly broad provision pre-empting local governments from regulating "any other aspect of the landlord-tenant relationship."

While I appreciate the attempt to create retaliatory protections, I vetoed Senate Enrolled Act No. 148 for the reasons above. I took no issue with the provisions regarding manufactured homes and industrialized residential structures.

Date: March 25, 2020

Sincerely,
Eric Holcomb, Governor

The Speaker handed down Senate Enrolled Act 148, passed by the Second Regular Session of the 121st General Assembly.

AN ACT to amend the Indiana Code concerning local government.

The merits of Senate Enrolled Act 148 and the Governor's veto were explained. The question was, Shall Senate Enrolled Act 148 pass, the Governor's veto notwithstanding?

Roll Call 159: yeas 67, nays 32. The Governor's veto was overridden.

HOUSE BILLS ON SECOND READING

House Bill 1283

Representative Harris called down House Bill 1283 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1283-1)

Mr. Speaker: I move that House Bill 1283 be amended to read as follows:

Page 2, line 35, delete "." and insert "**on land. The term does not include roof top gardening or farming practices that**

occur on the top of a building or residential home.".

Page 2, line 37, delete "land" and insert "**an area**".

Page 3, line 7, delete "A parcel" and insert "**An area**".

Page 3, line 13, delete "land" and insert "**an area**".

Page 4, line 21, delete "a parcel" and insert "**an area**".

Page 4, line 25, delete "a parcel" and insert "**an area**".

Page 4, line 35, delete "parcels of".

Page 4, line 35, after "land" insert "**, within an area**".

Page 4, line 36, delete "become" and insert "**and exempt from property taxation under this chapter, is no longer exempt and becomes**".

(Reference is to HB 1283 as printed February 11, 2021.)

HARRIS

Motion prevailed. The bill was ordered engrossed.

House Bill 1377

Representative Mayfield called down House Bill 1377 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1395

Representative Eberhart called down House Bill 1395 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1395-1)

Mr. Speaker: I move that House Bill 1395 be amended to read as follows:

Page 3, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 7. IC 14-13-9-32, AS ADDED BY P.L.282-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 32. (a) The commission shall coordinate its flood control activities with the department and other public agencies to ensure that undeveloped public land is used for providing flood storage to the greatest extent feasible before other lands are used.

(b) **The commission may request a review under IC 36-9-27-53.5 for a proposed activity listed under section 18 of this chapter for the Kankakee River or Yellow River.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1395 as printed February 11, 2021.)

GUTWEIN

Motion prevailed. The bill was ordered engrossed.

House Bill 1421

Representative Schaibley called down House Bill 1421 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1421-1)

Mr. Speaker: I move that House Bill 1421 be amended to read as follows:

Page 6, delete lines 31 through 42.

Renumber all SECTIONS consecutively.

(Reference is to HB 1421 as printed February 11, 2021.)

SCHAIBLEY

Motion prevailed.

HOUSE MOTION (Amendment 1421-7)

Mr. Speaker: I move that House Bill 1421 be amended to read as follows:

Page 10, delete lines 8 through 25, begin a new paragraph and insert:

"SECTION 15. [EFFECTIVE UPON PASSAGE] (a) **The legislative services agency shall conduct a study of market concentration in Indiana in the following:**

- (1) **The health insurance industry.**
- (2) **The hospital industry.**

(3) The professions of licensed health care practitioners.

(4) The retail pharmaceutical industry.

(5) The pharmacy benefit manager industry.

(b) Before September 1, 2022, the legislative services agency shall present the findings of the study conducted under subsection (a) in an electronic format under IC 5-14-6 to the following:

(1) The combined interim study committees on:

(A) financial institutions and insurance; and

(B) public health, behavioral health, and human services;

established by IC 2-5-1.3-4. (2) The legislative council.

(3) The office of the governor.

(c) This SECTION expires January 1, 2022."

Renumber all SECTIONS consecutively.

(Reference is to HB 1421 as printed February 11, 2021.)

AUSTIN

Motion prevailed. The bill was ordered engrossed.

House Bill 1465

Representative Pressel called down House Bill 1465 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1465-3)

Mr. Speaker: I move that House Bill 1465 be amended to read as follows:

Page 2, between lines 18 and 19, begin a new paragraph and insert:

"(b) The department and the state police department may enter into an agreement to share information to implement this chapter."

Page 2, line 19, delete "(b)" and insert "(c)".

Page 2, line 21, delete "(c)" and insert "(d)".

Page 2, line 41, delete "(d)" and insert "(e)".

Page 3, line 4, after "7." insert "(a)".

Page 3, between lines 7 and 8, begin a new paragraph and insert:

"(b) Except as provided in subsection (a), use of a recorded image for the purpose of enforcing a traffic offense (as defined in IC 9-13-2-183) is prohibited."

Renumber all SECTIONS consecutively.

(Reference is to HB 1465 as printed February 8, 2021.)

PRESSEL

Motion prevailed.

HOUSE MOTION (Amendment 1465-1)

Mr. Speaker: I move that House Bill 1465 be amended to read as follows:

Page 8, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 2. IC 9-21-0.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 0.5. Automated Traffic Enforcement Devices.

Sec. 1. As used in this chapter, "automated traffic enforcement device" means a device that:

(1) produces a photographically recorded still or video image, or a combination of the photographically recorded still and video images, of the rear of a motor vehicle or of the rear of a vehicle being towed by a motor vehicle that includes an image of the rear license plate of the vehicle, and is used to enforce traffic violations related to traffic control signals and speed; or

(2) is a work zone speed control system (as defined in IC 8-23-5.5-4).

Sec. 2. Except as provided in IC 9-21-3.5-9 and IC 8-23-5.5, and notwithstanding any other law or

provision, a state agency or local authority may not use an automated traffic enforcement device to detect or record a violation of a traffic law.

Sec. 3. Notwithstanding any other law or provision, the state may not enter into or enforce a compact or agreement with another jurisdiction to exchange information contained within the records of the bureau in order to enforce a violation of a traffic law that is captured by an automated traffic enforcement device.

Sec. 4. Except as provided in IC 9-21-3.5-9 and IC 8-23-5.5, and notwithstanding any other law or provision, the bureau or another state agency may not disclose personal information (as defined in IC 9-14-6-6) to any person for the purpose of enforcing a violation of a traffic law that is captured by an automatic traffic enforcement device.

Sec. 5. The attorney general may:

(1) investigate a complaint of a violation of this chapter; and

(2) enforce compliance if a violation of this chapter is found."

Renumber all SECTIONS consecutively.

(Reference is to HB 1465 as printed February 8, 2021.)

NISLY

Upon request of Representatives Nisly and Jacob, the Speaker ordered the roll of the House to be called. Roll Call 160: yeas 10, nays 88. Motion failed. The bill was ordered engrossed.

House Bill 1468

Representative Davisson called down House Bill 1468 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1577

Representative Mayfield called down House Bill 1577 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1001

Representative T. Brown called down House Bill 1001 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1001-34)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 25, line 21, delete "GUN CRIMES" and insert **"CRIME GUNS"**.

Page 35, line 20, delete "2,382,577 2,382,577" and insert **"882,577 882,577"**.

Page 35, line 23, delete "Underground Petroleum Storage Tank Excess Liability Trust Fund (IC 13-23-7-1)" and insert **"Environmental Management Special Fund (IC 13-14-12)"**.

(Reference is to HB 1001 as printed February 15, 2021.)

T. BROWN

Motion prevailed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Karickhoff.

HOUSE MOTION (Amendment 1001-37)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 25, line 43, delete "1,501,708 1,501,708" and insert **"2,000,000 2,000,000"**.

(Reference is to HB 1001 as printed February 15, 2021.)

SULLIVAN

Upon request of Representatives Pryor and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 161: yeas 91, nays 0. Motion prevailed.

HOUSE MOTION
(Amendment 1001-1)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 157, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 142. [EFFECTIVE JULY 1, 2021] (a) As used in this SECTION, "school corporation" does not include a charter school.

(b) A school corporation qualifies for a supplemental tuition support distribution as provided in this SECTION for the state fiscal year beginning July 1, 2021, and ending June 30, 2022.

(c) A school corporation that received a reduction in tuition support funding during the state biennium beginning July 1, 2011, and ending June 30, 2013, shall receive a supplemental tuition support distribution in an amount that equals the amount of tuition support funding that was cut during that biennium, as determined by the department of education.

(d) There is appropriated from the state general fund to the department of education an amount sufficient for the distributions required under this SECTION. Not later than December 1, 2021, a supplemental tuition support distribution shall be provided to each eligible school corporation. The department of education shall administer the distributions under this SECTION.

(e) The amount appropriated under this SECTION is in addition to any amount otherwise appropriated by the general assembly in this act for the state fiscal year beginning July 1, 2021, and ending June 30, 2022.

(f) This SECTION expires July 1, 2023."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 15, 2021.)

PORTER

Upon request of Representatives Porter and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 162: yeas 28, nays 63. Motion failed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION
(Amendment 1001-33)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 130, line 33, after "disabilities" insert **"level one (1), including multiple disabilities, orthopedic impairment, emotional disability requiring full-time placement, severe intellectual disability, autism spectrum disorders, and traumatic brain injury,"**

Page 130, between lines 34 and 35, begin a new line block indented and insert:

"(2) The nonduplicated count of pupils in programs for severe disabilities level (2), including blind or low vision, deaf or hard of hearing, and deaf and blind, multiplied by nine thousand one hundred fifty-six dollars (\$9,156)."

Page 130, line 35, strike "(2)" and insert "(3)".

Page 130, line 35, after "disabilities" insert **"level one (1), including specific learning disability, developmental delay, and other health impairment,"**

Page 130, between lines 36 and 37, begin a new line block indented and insert:

"(4) The nonduplicated count of pupils in programs for mild and moderate disabilities level two (2), including emotional disability not requiring full-time placement,

mild intellectual disability, and moderate intellectual disability, multiplied by two thousand three hundred dollars (\$2,300)."

Page 130, line 37, strike "(3)" and insert **"(5)".**

Page 130, line 39, strike "(4)" and insert **"(6)".**

Page 130, line 41, strike "(5)" and insert **"(7)".**

(Reference is to HB 1001 as printed February 15, 2021.)

CLERE

Upon request of Representatives Pierce and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 163: yeas 91, nays 0. Motion prevailed.

HOUSE MOTION
(Amendment 1001-26)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 10, line 20, delete "1,500,000 1,500,000" and insert **"2,500,000 2,000,000".**

Page 29, line 17, delete "98,115 98,115" and insert **"110,000 110,000".**

Page 29, line 19, delete "135,431 135,431" and insert **"150,000 150,000".**

Page 29, line 21, delete "74,379 74,379" and insert **"110,000 110,000".**

Page 29, line 23, delete "102,432 102,432" and insert **"110,000 110,000".**

Page 29, line 25, delete "19,400 19,400" and insert **"25,000 25,000".**

Page 30, line 26, delete "19,010,000 19,010,000" and insert **"25,000,000 25,000,000".**

Page 30, line 33, after "threats." insert **"Notwithstanding IC 4-13-2-19 and any other law, the above appropriations for secured school safety do not revert to the state general fund or any other fund at the close of a state fiscal year but remain available in subsequent state fiscal years for the purposes of the appropriation."**

Page 33, line 30, delete "94,090 94,090" and insert **"1,000,000 1,000,000".**

Page 36, line 48, delete "300,000 300,000" and insert **"1,000,000 1,000,000".**

Page 37, line 1, delete "824,500 824,500" and insert **"2,000,000 2,000,000".**

Page 37, between lines 11 and 12, begin a new line block indented and insert:

"Notwithstanding IC 4-13-2-19 and any other law, the above appropriations to food banks do not revert to the state general fund or any other fund at the close of a state fiscal year but remain available in subsequent state fiscal years for the purposes of the appropriation."

Page 37, line 24, delete "Funds may be released after review by the budget".

Page 37, delete line 25.

Page 37, line 32, after "for the Studebaker Museum." delete "The Studebaker Museum distribution".

Page 37, line 33, delete "requires a \$50,000 match".

Page 37, line 39, delete "661,777 661,777" and insert **"1,500,000 1,500,000".**

Page 38, line 9, delete "27,750,000 27,750,000" and insert **"25,000,000 25,000,000".**

Page 38, line 20, delete "17,000,000 17,000,000" and insert **"15,000,000 15,000,000".**

Page 38, between lines 21 and 22, begin a new paragraph and insert:

"The above appropriations may be used by the Indiana Economic Development Corporation to promote business investment and encourage entrepreneurship and innovation. The corporation may use the above appropriations to encourage regional development initiatives, including a project to establish a new port, or complete a project that was part of a regional cities development plan, advance

innovation and entrepreneurship education through strategic partnerships with higher education institutions and communities, provide innovation vouchers to small Hoosier businesses, establish a pilot project for income sharing agreements, promote and enhance the motor sports industry in Indiana, and support activities that promote international trade."

Page 38, delete lines 22 through 29.

Page 38, line 36, delete "5,000,000 5,000,000" and insert **"4,000,000 4,000,000"**.

Page 38, between lines 45 and 46, begin a new paragraph and insert: **"The above appropriations to next level flights may only be expended to incentivize direct flights from international and regional airports in Indiana and may not be transferred or expended for any other purpose."**

Page 39, line 2, delete "609,945 609,945" and insert **"1,000,000 1,000,000"**.

Page 40, line 22, delete "45,000,000 45,000,000" and insert **"50,000,000 50,000,000"**.

Page 45, line 23, delete "32,300,000 32,300,000" and insert **"38,000,000 38,000,000"**.

Page 45, line 32, delete "20,000,000 20,000,000" and insert **"25,000,000 25,000,000"**.

Page 45, line 38, after "recidivism." insert **"Notwithstanding IC 4-13-2-19 and any other law, the above appropriations for the mental health and addiction forensic treatment services grant program do not revert to the state general fund or any other fund at the close of a state fiscal year but remain available in subsequent state fiscal years for the purposes of the appropriation."**

Page 46, line 12, delete "85,779,650 85,779,650" and insert **"90,000,000 90,000,000"**.

Page 46, between lines 36 and 37, begin a new paragraph and insert:

"Total Operating Expense 4,000,000 4,000,000".

Page 48, line 18, delete "43,914,740 44,240,193" and insert **"50,000,000 50,000,000"**.

Page 48, line 21, after "waiver." insert **"Notwithstanding IC 4-13-2-19 and any other law, the above appropriations for C.H.O.I.C.E. In-Home Services do not revert to the state general fund or any other fund at the close of a state fiscal year but remain available in subsequent state fiscal years for the purposes of the appropriation."**

Page 50, between lines 4 and 5, begin a new line block indented and insert:

**"Doula Program
3,000,000"**

The state department of health shall use the above biennial appropriation for implementation of a doula program that will concentrate on the areas of the state that have the highest incidences of infant mortality."

Page 50, line 6, delete "22,005,069 22,005,069" and insert **"25,000,000 25,000,000"**.

Page 50, line 34, delete "112,000 112,000" and insert **"200,000 200,000"**.

Page 52, between lines 1 and 2, begin a new line block indented and insert:

**"BREAST AND CERVICAL CANCER PROGRAM
Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3)**

Total Operating Cost 200,000 200,000".

Page 52, line 38, delete "34,335 34,335" and insert **"150,000 150,000"**.

Page 52, line 41, after "handicapped." insert **"Notwithstanding IC 4-13-2-19 and any other law, the above appropriations for donated dental services do not revert to the state general fund or any other fund at the close of a state fiscal year but remain available in subsequent state fiscal years for the purposes of the appropriation."**

Page 54, line 10, delete "7,500,000 7,500,000" and insert

"15,000,000 15,000,000".

Page 54, line 13, after "smoking." insert **"Of the above appropriations to the Tobacco Use Prevention and Cessation Program, for each state fiscal year, half of the total appropriation shall be deposited from the Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3), and the other half of the total appropriation for the state fiscal year shall be deposited from the state general fund."**

Page 54, line 34, delete "910,000 910,000" and insert **"1,900,000 1,900,000"**.

Page 54, line 40, delete "\$202,000" and insert **"\$400,000"**.

Page 54, line 41, delete "\$202,000" and insert **"\$500,000"**.

Page 54, line 42, delete "\$202,000" and insert **"\$400,000"**.

Page 54, line 43, delete "\$202,000" and insert **"\$400,000"**.

Page 54, line 44, delete "\$102,000" and insert **"\$200,000"**.

Page 64, delete lines 1 through 3.

Page 65, line 44 after "program (45 CFR 260 et seq.)." insert **"The above appropriations for curricular material reimbursement, with approval of the governor and the budget agency, shall be augmented by an amount not exceeding the amount necessary in order to ensure that participating eligible schools are reimbursed for all eligible costs by the state."**

Page 66, line 4, delete "TESTING".

Page 66, line 7, delete "testing".

Page 66, line 8, delete "Public and accredited nonpublic".

Page 66, delete line 9.

Page 66, line 10, delete "remediation".

Page 67, line 37, delete "425,000 425,000" and insert **"1,000,000 1,000,000"**.

Page 74, delete lines 15 through 20.

Page 74, between lines 38 and 39, begin a new line block indented and insert:

**"STATE ARCHIVE BUILDING
Construction
25,000,000"**

Page 81, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 35. IC 4-12-1-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section applies to any proposed federal grant, award, or other agreement:

(1) to which the state or a body corporate and politic is a recipient or party under any provision of federal law or state statute, or any extension or any amendment to such an agreement; and

(2) that is to be received or entered into after June 1, 2021.

(b) As used in this section, "body corporate and politic" means a body corporate and politic set up as an instrumentality of the state.

(c) If the amount of a proposed federal grant, award, or other federal funding to be received by the state or a body corporate and politic is at least one hundred million dollars (\$100,000,000), the state or body corporate and politic shall submit the proposed terms of the program, agreement, or extension granting, awarding, or otherwise providing the funds to the budget committee created by IC 4-12-1-3 for its review. The budget committee may request that the state or body corporate and politic, or both, appear at a public meeting of the budget committee concerning the proposed federal funding. The state or the body corporate and politic may not enter into the proposed program, agreement, or extension until after the budget committee has reviewed the terms of the proposed program, agreement, or extension.

SECTION 36. IC 4-12-1-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 21. If, in compiling a state general fund combined statement of estimated

unappropriated reserve, the budget agency determines that the net combined balances as a percent of current year resources equal an amount that exceeds eleven percent (11%), the budget agency shall transfer one hundred million dollars (\$100,000,000) to the student loan relief grant program fund established by IC 21-12-18-2."

Page 106, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 53. IC 6-3-2-22, AS AMENDED BY P.L.92-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: Sec. 22. (a) The following definitions apply throughout this section:

(1) "Dependent child" means an individual who:

- (A) is eligible to receive a free elementary or high school education in an Indiana school corporation;
- (B) qualifies as a dependent (as defined in Section 152 of the Internal Revenue Code) of the taxpayer; and
- (C) is the natural or adopted child of the taxpayer or, if custody of the child has been awarded in a court proceeding to someone other than the mother or father, the court appointed guardian or custodian of the child.

If the parents of a child are divorced, the term refers to the parent who is eligible to take the exemption for the child under Section 151 of the Internal Revenue Code.

(2) "Education expenditure" refers to any expenditures made in connection with enrollment, attendance, or participation of the taxpayer's dependent child in a **public school**, private elementary, or high school education program. The term includes tuition, fees, computer software, textbooks, workbooks, curricula, school supplies (other than personal computers), and other written materials used primarily for academic instruction or for academic tutoring, or both.

(3) "Private elementary or high school education program" means attendance at:

- (A) a nonpublic school (as defined in IC 20-18-2-12); or
- (B) a state accredited nonpublic school (as defined in IC 20-18-2-18.7);

in Indiana that satisfies a child's obligation under IC 20-33-2 for compulsory attendance at a school. ~~The term does not include the delivery of instructional service in a home setting to a dependent child who is enrolled in a school corporation or a charter school.~~

(4) "Public school" means attendance at:

- (A) a public school (as defined in IC 20-18-2-15); or
 - (B) a charter school (as defined in IC 20-24-1-4);
- in Indiana that satisfies a child's obligation under IC 20-33-2 for compulsory attendance at a school.

(b) This section applies to taxable years beginning after December 31, 2010.

(c) A taxpayer who makes an unreimbursed education expenditure during the taxpayer's taxable year is entitled to a deduction against the taxpayer's adjusted gross income in the taxable year.

(d) The amount of the deduction is:

- (1) ~~one thousand dollars (\$1,000);~~ **five hundred dollars (\$500);** multiplied by
- (2) the number of the taxpayer's dependent children for whom the taxpayer made education expenditures in the taxable year.

A husband and wife are entitled to only one (1) deduction under this section.

(e) To receive the deduction provided by this section, a taxpayer must claim the deduction on the taxpayer's annual state tax return or returns in the manner prescribed by the department.

SECTION 54. IC 6-3.1-21-6, AS AMENDED BY P.L.214-2018(ss), SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: Sec. 6. (a) Except as provided by subsections (b), (d), ~~and~~ (e), ~~and~~ (f), an

individual who is eligible for an earned income tax credit under Section 32 of the Internal Revenue Code as it existed before being amended by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312), is eligible for a credit under this chapter equal to:

(1) for taxable years beginning after December 31, 2021, and ending before January 1, 2023, ten percent (10%) ~~nine percent (9%)~~ of the amount of the federal earned income tax credit; and

(2) for taxable years beginning after December 31, 2022, twelve percent (12%) of the amount of the federal earned income tax credit;

~~(+) that the individual is eligible to receive in the taxable year, and (2) claimed for the taxable year under Section 32 of the Internal Revenue Code as it existed before being amended by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312).~~

(b) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the amount of the credit is equal to the product of:

- (1) the amount determined under subsection (a); multiplied by
- (2) the quotient of the taxpayer's income taxable in Indiana divided by the taxpayer's total income.

(c) If the credit amount exceeds the taxpayer's adjusted gross income tax liability for the taxable year, the excess shall be refunded to the taxpayer.

(d) If a taxpayer properly elects to determine the taxpayer's earned income in accordance with the federal Bipartisan Budget Act of 2018 for purposes of the credit under Section 32 of the Internal Revenue Code for a taxable year beginning after December 31, 2016, the election shall be treated as being made for purposes of the credit under this chapter.

(e) The minimum earned income amounts and phaseout threshold amounts for the credit under this section are subject to the same cost of living adjustments provided in the Internal Revenue Code.

(f) For taxable years:

(1) beginning after December 31, 2021, and ending before January 1, 2023, the maximum amount of an individual's credit under this chapter may not exceed six hundred fifty dollars (\$650); and

(2) beginning after December 31, 2022, the maximum amount of an individual's credit under this chapter may not exceed seven hundred dollars (\$700)."

Page 110, line 20, delete "(a) Before January 1, 2022, the" and insert "**The**".

Page 110, delete lines 25 through 31.

Page 116, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 68. IC 6-8.1-3-17, AS AMENDED BY P.L.146-2020, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) Before an original tax appeal is filed with the tax court under IC 33-26, the commissioner, or the taxpayer rights advocate office to the extent granted the authority by the commissioner, may settle any tax liability dispute if a substantial doubt exists as to:

- (1) the constitutionality of the tax under the Constitution of the State of Indiana;
- (2) the right to impose the tax;
- (3) the correct amount of tax due;
- (4) the collectability of the tax; or
- (5) whether the taxpayer is a resident or nonresident of Indiana.

(b) After an original tax appeal is filed with the tax court under IC 33-26, and notwithstanding IC 4-6-2-11, the commissioner may settle a tax liability dispute with an amount in contention of twenty-five thousand dollars (\$25,000) or less. Notwithstanding IC 6-8.1-7-1(a), the terms of a settlement under

this subsection are available for public inspection.

(c) The department shall establish an amnesty program for taxpayers having an unpaid tax liability for a listed tax that was due and payable for a tax period ending before January 1, ~~2013~~. **2019.** A taxpayer is not eligible for the amnesty program:

(1) for any tax liability resulting from the taxpayer's failure to comply with IC 6-3-1-3.5(b)(3) with regard to the tax imposed by IC 4-33-13 or IC 4-35-8; or

(2) if the taxpayer participated in any previous amnesty program under:

(A) this section (as in effect on December 31, 2014); ~~or~~

(B) this section (as in effect on December 31, 2020);

~~or~~

~~(B) (C) IC 6-2.5-14.~~

The time in which a voluntary payment of tax liability may be made (or the taxpayer may enter into a payment program acceptable to the department for the payment of the unpaid listed taxes in full in the manner and time established in a written payment program agreement between the department and the taxpayer) under the amnesty program is limited to the period determined by the department, not to exceed eight (8) regular business weeks ending before the earlier of the date set by the department or January 1, ~~2017~~. **2023.** The amnesty program must provide that, upon payment by a taxpayer to the department of all listed taxes due from the taxpayer for a tax period (or payment of the unpaid listed taxes in full in the manner and time established in a written payment program agreement between the department and the taxpayer), entry into an agreement that the taxpayer is not eligible for any other amnesty program that may be established and waives any part of interest and penalties on the same type of listed tax that is being granted amnesty in the current amnesty program, and compliance with all other amnesty conditions adopted under a rule of the department in effect on the date the voluntary payment is made, the department:

(1) shall abate and not seek to collect any interest, penalties, collection fees, or costs that would otherwise be applicable;

(2) shall release any liens imposed;

(3) shall not seek civil or criminal prosecution against any individual or entity; and

(4) shall not issue, or, if issued, shall withdraw, an assessment, a demand notice, or a warrant for payment under IC 6-8.1-5-1, IC 6-8.1-5-3, IC 6-8.1-8-2, or another law against any individual or entity;

for listed taxes due from the taxpayer for the tax period for which amnesty has been granted to the taxpayer. Amnesty granted under this subsection is binding on the state and its agents. However, failure to pay to the department all listed taxes due for a tax period invalidates any amnesty granted under this subsection for that tax period. The department shall conduct an assessment of the impact of the tax amnesty program on tax collections and an analysis of the costs of administering the tax amnesty program. As soon as practicable after the end of the tax amnesty period, the department shall submit a copy of the assessment and analysis to the legislative council in an electronic format under IC 5-14-6. The department shall enforce an agreement with a taxpayer that prohibits the taxpayer from receiving amnesty in another amnesty program.

(d) For purposes of subsection (c), a liability for a listed tax is due and payable if:

(1) the department has issued:

(A) an assessment of the listed tax under IC 6-8.1-5-1;

(B) a demand for payment under IC 6-8.1-5-3; or

(C) a demand notice for payment of the listed tax under IC 6-8.1-8-2;

(2) the taxpayer has filed a return or an amended return in which the taxpayer has reported a liability for the listed tax; or

(3) the taxpayer has filed a written statement of liability for

the listed tax in a form that is satisfactory to the department.

(e) The department may waive interest and penalties if the general assembly enacts a change in a listed tax for a tax period that increases a taxpayer's tax liability for that listed tax after the due date for that listed tax and tax period. However, such a waiver shall apply only to the extent of the increase in tax liability and only for a period not exceeding sixty (60) days after the change is enacted. The department may adopt rules, including emergency rules, or issue guidelines to carry out this subsection.

SECTION 69. IC 6-8.1-3-24.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 24.5. (a) The department may adopt emergency rules under IC 4-22-2-37.1 to carry out a tax amnesty program under section 17 of this chapter.**

(b) Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the department under IC 4-22-2-37.1 expires on the date specified in the emergency rule.

(c) This section expires July 1, 2023."

Page 116, line 9, after "Sec. 25." insert "(a)".

Page 116, line 11, after "2015," insert "and before January 1, 2017,".

Page 117, between lines 18 and 19, begin a new line block indented and insert:

"Notwithstanding any other law, the department shall deposit the amounts collected under a tax amnesty program carried out under section 17 of this chapter after June 30, 2021, in the minority health disparities alleviation fund established by IC 12-8-1.5-20(b).

SECTION 71. IC 6-8.1-10-12, AS AMENDED BY P.L.213-2015, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 12. (a) This section applies to a penalty related to a tax liability to the extent that the:**

(1) tax liability is for a listed tax;

(2) tax liability was due and payable, as determined under IC 6-8.1-3-17(d), for a tax period ending before January 1, ~~2013~~; **2019;**

(3) department establishes an amnesty program for the tax liability under IC 6-8.1-3-17(c);

(4) individual or entity from which the tax liability is due was eligible to participate in the amnesty program described in subdivision (3); and

(5) tax liability is not paid:

(A) in conformity with a payment program acceptable to the department that provides for payment of the unpaid listed taxes in full in the manner and time established in a written payment program agreement entered into between the department and the taxpayer under IC 6-8.1-3-17(c); or

(B) if clause (A) does not apply, before the end of the amnesty period established by the department.

(b) Subject to subsection (c), if a penalty is imposed or otherwise calculated under any combination of:

(1) IC 6-8.1-1-8;

(2) section 2.1 of this chapter;

(3) section 3 of this chapter;

(4) section 3.5 of this chapter;

(5) section 4 of this chapter;

(6) section 5 of this chapter;

(7) section 6 of this chapter;

(8) section 7 of this chapter;

(9) section 9 of this chapter; or

(10) IC 6-6;

an additional penalty is imposed under this section. The amount of the additional penalty imposed under this section is equal to the sum of the penalties imposed or otherwise calculated under the provisions listed in subdivisions (1) through (10).

(c) The additional penalty provided by subsection (b) does not apply if all of the following apply:

- (1) The department imposes a penalty on a taxpayer or otherwise calculates the penalty under the provisions described in subsection (b)(1) through (b)(10).
- (2) The taxpayer against whom the penalty is imposed:
 - (A) timely files an original tax appeal in the tax court under IC 6-8.1-5-1; and
 - (B) contests the department's imposition of the penalty or the tax on which the penalty is based.
- (3) The taxpayer meets all other jurisdictional requirements to initiate the original tax appeal.
- (4) Either the:
 - (A) tax court enjoins collection of the penalty or the tax on which the penalty is based under IC 33-26-6-2; or
 - (B) department consents to an injunction against collection of the penalty or tax without entry of an order by the tax court.

(d) The additional penalty provided by subsection (b) does not apply if the taxpayer:

- (1) has a legitimate hold on making the payment as a result of an audit, bankruptcy, protest, taxpayer advocate action, or another reason permitted by the department;
- (2) had established a payment plan with the department before May 12, ~~2015~~; 2021; or
- (3) verifies with reasonable particularity that is satisfactory to the commissioner that the taxpayer did not ever receive notice of the outstanding tax liability.

SECTION 72. IC 6-9-53.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 53.7. Merrillville Food and Beverage Tax

Sec. 1. This chapter applies to the town of Merrillville.

Sec. 2. The definitions in IC 6-9-12-1 apply throughout this chapter.

Sec. 3. (a) The fiscal body of the town may adopt an ordinance to impose an excise tax, known as the town food and beverage tax, on transactions described in section 4 of this chapter. The fiscal body of the town may adopt an ordinance under this subsection only after the fiscal body has previously held at least one (1) separate public hearing in which a discussion of the proposed ordinance to impose the town food and beverage tax is the only substantive issue on the agenda for the public hearing.

(b) If the town fiscal body adopts an ordinance under subsection (a), the town fiscal body shall immediately send a certified copy of the ordinance to the department of state revenue.

(c) If the town fiscal body adopts an ordinance under subsection (a), the town food and beverage tax applies to transactions that occur after the later of the following:

- (1) The day specified in the ordinance.
- (2) The last day of the month that succeeds the month in which the ordinance is adopted.

Sec. 4. (a) Except as provided in subsection (c), a tax imposed under section 3 of this chapter applies to a transaction in which food or beverage is furnished, prepared, or served:

- (1) for consumption at a location or on equipment provided by a retail merchant;
- (2) in the town; and
- (3) by a retail merchant for consideration.

(b) Transactions described in subsection (a)(1) include transactions in which food or beverage is:

- (1) served by a retail merchant off the merchant's premises;
- (2) sold in a heated state or heated by a retail merchant;
- (3) made of two (2) or more food ingredients, mixed or combined by a retail merchant for sale as a single item

(other than food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal Food and Drug Administration in chapter 3, subpart 3-401.11 of its Food Code so as to prevent food borne illnesses); or

(4) sold with eating utensils provided by a retail merchant, including plates, knives, forks, spoons, glasses, cups, napkins, or straws (for purposes of this subdivision, a plate does not include a container or package used to transport food).

(c) The town food and beverage tax does not apply to the furnishing, preparing, or serving of a food or beverage in a transaction that is exempt, or to the extent the transaction is exempt, from the state gross retail tax imposed by IC 6-2.5.

Sec. 5. The town food and beverage tax rate:

(1) must be imposed in an increment of twenty-five hundredths percent (0.25%); and

(2) may not exceed one percent (1%);

of the gross retail income received by the merchant from the food or beverage transaction described in section 4 of this chapter. For purposes of this chapter, the gross retail income received by the retail merchant from a transaction does not include the amount of tax imposed on the transaction under IC 6-2.5.

Sec. 6. A tax imposed under this chapter is imposed, paid, and collected in the same manner that the state gross retail tax is imposed, paid, and collected under IC 6-2.5. However, the return to be filed with the payment of the tax imposed under this chapter may be made on a separate return or may be combined with the return filed for the payment of the state gross retail tax, as prescribed by the department of state revenue.

Sec. 7. The amounts received from the tax imposed under this chapter shall be paid monthly by the treasurer of state to the town fiscal officer upon warrants issued by the auditor of state.

Sec. 8. (a) If a tax is imposed under section 3 of this chapter by the town, the town fiscal officer shall establish a food and beverage tax receipts fund.

(b) The town fiscal officer shall deposit in the fund all amounts received under this chapter.

(c) Money earned from the investment of money in the fund becomes a part of the fund.

Sec. 9. Money in the food and beverage tax receipts fund must be used by the town only for the following purposes:

(1) To reduce the town's property tax levy for a particular year at the discretion of the town, but this use does not reduce the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for the town.

(2) For economic development purposes, including the pledge of money under IC 5-1-14-4 for bonds, leases, or other obligations for economic development purposes.

(3) For the following purposes:

(A) Storm water, sidewalk, street, park, parking improvements, and any infrastructure necessary to support tourism in the town.

(B) Finance, construct, improve, equip, operate, maintain, and promote a convention center and then other economic development projects.

(C) Finance, construct, improve, equip, operate, maintain, and promote a community center, and then other economic development projects.

(D) The pledge of money under IC 5-1-14-4 for bonds, leases, or other obligations incurred for a purpose described in clauses (A) through (C).

Revenue derived from the imposition of a tax under this

chapter may be treated by the town as additional revenue for the purpose of fixing its budget for the budget year during which the revenues are to be distributed to the town.

Sec. 10. With respect to obligations for which a pledge has been made under section 9 of this chapter, the general assembly covenants with the holders of the obligations that this chapter will not be repealed or amended in a manner that will adversely affect the imposition or collection of the tax imposed under this chapter if the payment of any of the obligations is outstanding."

Page 120, between lines 42 and 43, begin a new paragraph and insert:

"SECTION 80. IC 12-8-1.5-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 20. (a)** As used in this section, "fund" refers to the minority health disparities alleviation fund established by subsection (b).

(b) The minority health disparities alleviation fund is established for the purpose of awarding grants to eligible entities for use in addressing and alleviating health disparities in minorities. The office of the secretary shall administer the fund.

(c) The fund consists of:

- (1)** deposits in the fund under IC 6-8.1-3-25(b);
- (2)** money appropriated by the general assembly; and
- (3)** gifts, grants, devises, or bequests made for the purposes of the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The office of the secretary shall establish criteria to determine who is an eligible entity.

(f) An eligible entity may apply for a grant from the fund in a manner prescribed by the office of the secretary.

(g) The office of the secretary may award grants from the fund to eligible entities."

Page 122, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 81. IC 12-15-2-13, AS AMENDED BY P.L.85-2017, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 13. (a)** A pregnant woman:

- (1)** who is not described in 42 U.S.C. 1396a(a)(10)(A)(i); and
- (2)** whose family income does not exceed the income level established in subsection (b);

is eligible to receive Medicaid.

(b) A pregnant woman described in this section is eligible to receive Medicaid, subject to subsections (c) and (d) and 42 U.S.C. 1396a et seq., if her family income does not exceed two hundred percent (200%) of the federal income poverty level for the same size family.

(c) Medicaid made available to a pregnant woman described in this section is limited to medical assistance for services related to pregnancy, including prenatal, delivery, and postpartum services, and to other conditions that may complicate pregnancy.

(d) Medicaid is available to a pregnant woman described in this section for the duration of the pregnancy and for the ~~sixty~~ **(60) day one (1) year** postpartum period that begins on the last day of the pregnancy, without regard to any change in income of the family of which she is a member during that time.

(e) Before September 1, 2021, the office shall apply for any state Medicaid amendment or waiver necessary to provide Medicaid coverage for one (1) year postpartum as described in subsection (d)."

Page 122, between lines 45 and 46, begin a new paragraph and insert:

"SECTION 82. IC 12-21-5-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021

(RETROACTIVE)]: **Sec. 8. (a)** As used in this section, "fund" refers to the fresh start substance abuse and treatment program trust fund established by subsection (b).

(b) The fresh start substance abuse and treatment program trust fund is established for the purpose of providing counseling and treatment to individuals impacted by substance abuse and addiction. The fund shall be administered by the office of the secretary.

(c) The fund consists of:

- (1)** all settlement proceeds received by the state from January 1, 2021, and thereafter, related to the opioid crisis;
- (2)** money appropriated by the general assembly; and
- (3)** gifts, grants, devises, or bequests made for the purposes of the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The office of the attorney general may request a disbursement from the fund to pay for, or as reimbursement, for costs expended for any litigation in which the office of the attorney general is involved."

Page 125, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 84. IC 20-24-8-5, AS AMENDED BY P.L.147-2020, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 5.** The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

- (1)** IC 5-11-1-9 (required audits by the state board of accounts).
- (2)** IC 20-39-1-1 (unified accounting system).
- (3)** IC 20-35 (special education).
- (4)** IC 20-26-5-10 (criminal history).
- (5)** IC 20-26-5-6 (subject to laws requiring regulation by state agencies).
- (6)** IC 20-28-10-12 (nondiscrimination for teacher marital status).
- (7)** IC 20-28-10-14 (teacher freedom of association).
- (8)** IC 20-28-10-17 (school counselor immunity).
- (9)** For conversion charter schools only if the conversion charter school elects to collectively bargain under IC 20-24-6-3(b), IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and IC 20-28-10.
- (10)** IC 20-33-2 (compulsory school attendance).
- (11)** IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).
- (12)** IC 20-33-8-16 (firearms and deadly weapons).
- (13)** IC 20-34-3 (health and safety measures).
- (14)** IC 20-33-9 (reporting of student violations of law).
- (15)** IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).
- (16)** IC 20-31-3, IC 20-32-4, IC 20-32-5 (for a school year ending before July 1, 2018), IC 20-32-5.1 (for a school year beginning after June 30, 2018), IC 20-32-8, and IC 20-32-8.5, as provided in IC 20-32-8.5-2(b) (academic standards, accreditation, assessment, and remediation).
- (17)** IC 20-33-7 (parental access to education records).
- (18)** IC 20-31 (accountability for school performance and improvement).
- (19)** IC 20-30-5-19 (personal financial responsibility instruction).
- (20)** IC 20-26-5-37.3, before its expiration (career and technical education reporting).
- (21)** IC 22-2-18, before its expiration on June 30, 2021 (limitations on employment of minors).
- (22)** IC 20-33-8-13.5 (discipline rules prohibiting bullying)."

Page 126, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 85. IC 20-33-8-13.5, AS AMENDED BY

P.L.211-2018(ss), SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 13.5. (a) Discipline rules adopted by the governing body of a school corporation under section 12 of this chapter must:

- (1) prohibit bullying; and
- (2) include:
 - (A) provisions concerning education, parental involvement, and intervention;
 - (B) a detailed procedure for the expedited investigation of incidents of bullying that includes:
 - (i) appropriate responses to bullying behaviors, wherever the behaviors occur;
 - (ii) provisions for anonymous and personal reporting of bullying to a teacher or other school staff;
 - (iii) timetables for reporting of bullying incidents to the parents of both the targeted student and the bully, in an expedited manner;
 - (iv) timetables for reporting of bullying incidents to school counselors, school administrators, the superintendent, or law enforcement, if it is determined that reporting the bullying incident to law enforcement is necessary;
 - (v) discipline provisions for teachers, school staff, or school administrators who fail to initiate or conduct an investigation of a bullying incident; and
 - (vi) discipline provisions for false reporting of bullying; and
 - (C) a detailed procedure outlining the use of follow-up services that includes:
 - (i) support services for the victim; and
 - (ii) bullying education for the bully.
- (b) The discipline rules described in subsection (a) may be applied regardless of the physical location in which the bullying behavior occurred, whenever:
 - (1) the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within a school corporation; and
 - (2) disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.
- (c) The discipline rules described in subsection (a) must prohibit bullying through the use of data or computer software that is accessed through a:
 - (1) computer;
 - (2) computer system;
 - (3) computer network; or
 - (4) cellular telephone or other wireless or cellular communications device.
- (d) This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section. Noncompliance with this section may not be used as evidence against a school corporation in a cause of action.
- (e) A record made of an investigation, a disciplinary action, or a follow-up action performed under rules adopted under this section is not a public record under IC 5-14-3.
- (f) The department shall periodically review each policy adopted under this section to ensure the policy's compliance with this section.
- (g) A state accredited nonpublic school that accepts any funding or financial assistance from the state is required to adopt discipline rules consistent with this section."

Page 135, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 92. IC 20-43-10-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) As used in this section, "school" means a school corporation, charter

school, and a virtual charter school.

(b) A school qualifies for a supplemental complexity index grant as provided in this section for:

- (1) a state fiscal year beginning July 1, 2021, and ending June 30, 2022; and
- (2) a state fiscal year beginning July 1, 2022, and ending June 30, 2023.

(c) A school's supplemental complexity index grant for a state fiscal year is equal to the result using the following formula:

STEP ONE: Determine the number of the school's students who were receiving Supplemental Nutrition Assistance Program (SNAP) benefits, Temporary Assistance for Needy Families (TANF) benefits, or foster care services as of October 1 in the school year ending in the later of:

- (A) 2021; or
- (B) the first year of operation of the school corporation.

STEP TWO: Multiply:

- (A) the result of STEP ONE; by
- (B) one hundred fifty dollars (\$150).

(d) The supplemental complexity index grant to which a school is entitled for a state fiscal year shall be distributed to the school before December 5 of that state fiscal year.

SECTION 93. IC 20-43-10-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) As used in this section, "school corporation" does not include a charter school.

(b) A school corporation qualifies for a supplemental tuition support distribution as provided in this section for:

- (1) a state fiscal year beginning July 1, 2021, and ending June 30, 2022; and
- (2) a state fiscal year beginning July 1, 2022, and ending June 30, 2023.

(c) A school corporation's eligibility for a supplemental tuition support distribution is determined as follows:

STEP ONE: Determine, for the state fiscal year, the overall increase in state tuition support determined under this article, as compared to the previous state fiscal year, expressed as a percentage.

STEP TWO: Determine, for the state fiscal year, any increase in the school corporation's state tuition support determined under this article, as compared to the previous state fiscal year, expressed as a percentage.

STEP THREE: If the result of STEP TWO is less than the result of STEP ONE for a school corporation, the school corporation is eligible for a supplemental tuition support distribution in an amount sufficient for the percentage increase described in STEP ONE to equal the percentage increase in STEP TWO.

(d) The supplemental tuition support distribution to which a school corporation is entitled for a state fiscal year shall be distributed in the same manner as distributions made under IC 20-43-4-9(a)."

Page 138, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 94. IC 20-51-4-1, AS AMENDED BY P.L.106-2016, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Except as provided under subsections (b) through (h), it is the intent of the general assembly to honor the autonomy of nonpublic schools that choose to become eligible schools under this chapter. A nonpublic eligible school is not an agent of the state or federal government, and therefore:

- (1) the department or any other state agency may not in any way regulate the educational program of a nonpublic eligible school that accepts a choice scholarship under this chapter, including the regulation of curriculum content,

religious instruction or activities, classroom teaching, teacher and staff hiring requirements, and other activities carried out by the eligible school;

(2) the creation of the choice scholarship program does not expand the regulatory authority of the state, the state's officers, or a school corporation to impose additional regulation of nonpublic schools beyond those necessary to enforce the requirements of the choice scholarship program in place on July 1, 2011; and

(3) a nonpublic eligible school shall be given the freedom to provide for the educational needs of students without governmental control.

(b) This section applies to the following writings, documents, and records:

- (1) The Constitution of the United States.
- (2) The national motto.
- (3) The national anthem.
- (4) The Pledge of Allegiance.
- (5) The Constitution of the State of Indiana.
- (6) The Declaration of Independence.
- (7) The Mayflower Compact.
- (8) The Federalist Papers.
- (9) "Common Sense" by Thomas Paine.
- (10) The writings, speeches, documents, and proclamations of the founding fathers and presidents of the United States.
- (11) United States Supreme Court decisions.
- (12) Executive orders of the presidents of the United States.
- (13) Frederick Douglass's speech at Rochester, New York, on July 5, 1852, entitled "What to the Slave is the Fourth of July?"
- (14) "Appeal" by David Walker.
- (15) Chief Seattle's letter to the United States government in 1852 in response to the United States government's inquiry regarding the purchase of tribal lands.

(c) An eligible school may allow a principal or teacher in the eligible school to read or post in the school building or classroom or at a school event any excerpt or part of a writing, document, or record listed in subsection (b).

(d) An eligible school may not permit the content based censorship of American history or heritage based on religious references in a writing, document, or record listed in subsection (b).

(e) A library, a media center, or an equivalent facility that an eligible school maintains for student use must contain in the facility's permanent collection at least one (1) copy of each writing or document listed in subsection (b)(1) through (b)(9).

(f) An eligible school shall do the following:

- (1) Allow a student to include a reference to a writing, document, or record listed in subsection (b) in a report or other work product.
- (2) May not punish the student in any way, including a reduction in grade, for using the reference.
- (3) Display the United States flag in each classroom.
- (4) Provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance in each classroom or on school grounds. A student is exempt from participation in the Pledge of Allegiance and may not be required to participate in the Pledge of Allegiance if:

- (A) the student chooses to not participate; or
- (B) the student's parent chooses to have the student not participate.

(5) Provide instruction on the constitutions of:

- (A) Indiana; and
- (B) the United States.

(6) For an eligible school that enrolls students in grades 6 through 12, provide within the two (2) weeks preceding a general election five (5) full recitation periods of class discussion concerning:

- (A) the system of government in Indiana and in the United States;
- (B) methods of voting;
- (C) party structures;
- (D) election laws; and
- (E) the responsibilities of citizen participation in government and in elections.

(7) Require that each teacher employed by the eligible school present instruction with special emphasis on:

- (A) honesty;
- (B) morality;
- (C) courtesy;
- (D) obedience to law;
- (E) respect for the national flag and the Constitution of the State of Indiana and the Constitution of the United States;
- (F) respect for parents and the home;
- (G) the dignity and necessity of honest labor; and
- (H) other lessons of a steady influence that tend to promote and develop an upright and desirable citizenry.

(8) Provide good citizenship instruction that stresses the nature and importance of the following:

- (A) Being honest and truthful.
- (B) Respecting authority.
- (C) Respecting the property of others.
- (D) Always doing the student's personal best.
- (E) Not stealing.
- (F) Possessing the skills (including methods of conflict resolution) necessary to live peaceably in society and not resorting to violence to settle disputes.
- (G) Taking personal responsibility for obligations to family and community.
- (H) Taking personal responsibility for earning a livelihood.
- (I) Treating others the way the student would want to be treated.
- (J) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.
- (K) Respecting the student's parents and home.
- (L) Respecting the student's self.
- (M) Respecting the rights of others to have their own views and religious beliefs.

(9) Provide instruction in the following studies:

- (A) Language arts, including:
 - (i) English;
 - (ii) grammar;
 - (iii) composition;
 - (iv) speech; and
 - (v) second languages.
- (B) Mathematics.
- (C) Social studies and citizenship, including the:
 - (i) constitutions;
 - (ii) governmental systems; and
 - (iii) histories;

of Indiana and the United States, including a study of the Holocaust and the role religious extremism played in the events of September 11, 2001, in each high school United States history course.

- (D) Sciences.
- (E) Fine arts, including music and art.
- (F) Health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body.

(g) An eligible school shall not teach the violent overthrow of the government of the United States.

(h) An eligible school shall adopt discipline rules that prohibit bullying in the manner provided in IC 20-33-8-13.5.

(i) Nothing in this section shall be construed to limit the requirements of IC 20-30-5."

Page 150, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 95. IC 21-12-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 18. Student Loan Relief Grant Program

Sec. 1. (a) The student loan relief grant program is established.

(b) The commission shall administer the student loan relief grant program.

Sec. 2. (a) The student loan relief grant program fund is established to assist Indiana residents with outstanding student loans.

(b) The fund consists of the following:

(1) Appropriations by the general assembly.

(2) Gifts to the fund.

(3) A transfer of funds from the Indiana secondary market for education loans, as established, incorporated, and designated under IC 21-16-5-1, if such a transfer is made.

(4) A transfer of funds described in IC 4-12-1-21.

Sec. 3. (a) The commission shall administer the fund.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds. Interest that accrues from those investments shall be deposited in the fund.

(d) Money in the fund at the end of a fiscal year does not revert to the state general fund but remains available to be used to provide money for student loan relief grants under this chapter.

Sec. 4. (a) The money in the fund must be used to provide a student loan relief grant to individuals who are residents of Indiana.

(b) Subject to section 8 of this chapter, a student loan relief grant awarded in a particular year under this section is equal to the lesser of the following amounts:

(1) The balance of the individual's total amount of student loans.

(2) Five thousand dollars (\$5,000).

(c) An individual is eligible for a student loan relief grant under this chapter if the individual meets the qualifications under section 5 of this chapter.

Sec. 5. To qualify for a student loan relief grant from the fund, an individual must:

(1) be a resident of Indiana;

(2) have an income that does not exceed one hundred fifty percent (150%) of the federal poverty level as determined by the federal Office of Management and Budget;

(3) have an outstanding student loan balance of at least five thousand dollars (\$5,000); and

(4) be approved by the commission.

Sec. 6. The commission shall annually allocate the available money in the fund to each individual approved under this chapter in proportion to the total number of individuals approved under this chapter.

Sec. 7. Each:

(1) individual who applies under this chapter; and

(2) individual approved under this chapter;

shall provide to the commission any information that the commission determines is necessary to administer this chapter.

Sec. 8. The commission shall develop criteria as needed to implement the student loan relief grant program under this chapter."

Page 157, delete lines 27 through 31, begin a new paragraph and insert:

"SECTION 83. [EFFECTIVE UPON PASSAGE] (a) One

hundred ten million dollars (\$110,000,000) is appropriated from the state general fund to the budget agency for the state fiscal year ending June 30, 2021, to:

(1) defease any remaining bonds issued by the recreational development commission or the state fair commission; and

(2) pay regularly scheduled payments on remaining bonds issued by the state office building commission.

Money appropriated under this SECTION may not be used to pay in full any remaining balance on bonds issued by the state office building commission."

Page 157, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 104. [EFFECTIVE JULY 1, 2021]: (a) For purposes of this SECTION, "charter school" has the meaning set forth in IC 20-24-1-4.

(b) For purposes of this SECTION, "eligible teacher" means each individual teacher who is employed by a school corporation or charter school at the time of the distribution.

(c) For purposes of this SECTION, "school corporation" has the meaning set forth in IC 20-18-2-16(a).

(d) There is appropriated from the state general fund to the department of education an amount sufficient for the distributions required under this SECTION. Not later than December 1, 2021, an additional teacher stipend payment in the amount of one thousand dollars (\$1,000) shall be provided to each eligible teacher. The department of education shall administer the distributions under this SECTION.

(e) The amount appropriated under this SECTION is in addition to any amount otherwise appropriated by the general assembly in this act for the state fiscal year beginning July 1, 2021, and ending June 30, 2022.

(f) This SECTION expires July 1, 2023.

SECTION 105. [EFFECTIVE JULY 1, 2021] (a) Before July 1, 2022, the governor shall request that the board of directors of the Indiana secondary market for education loans, as established, incorporated, and designated under IC 21-16-5-1, transfer one hundred million dollars (\$100,000,000) in cash or cash equivalents from the Indiana secondary market for education loans to the treasurer of state for deposit in the student loan relief grant program fund established by IC 21-12-18-2, as added by this act.

(b) This SECTION expires January 1, 2023."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 15, 2021.)

PORTER

Upon request of Representatives Pryor and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 164: yeas 29, nays 68. Motion failed.

HOUSE MOTION
(Amendment 1001-29)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 156, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 138. IC 36-7-32-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 28. Notwithstanding any other provision of this chapter, one million two hundred thousand dollars (\$1,200,000) are annually appropriated from the state general fund to Purdue University as consideration for the management agreement under which the university manages the West Gate Crane Technology Park."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 15, 2021.)

ELLINGTON

Motion withdrawn.

HOUSE MOTION
(Amendment 1001-17)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 81, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 36. IC 4-12-1-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 21. If, in compiling a state general fund combined statement of estimated unappropriated reserve, the budget agency determines that the net combined balances as a percent of current year resources equal an amount that exceeds eleven percent (11%), the budget agency shall transfer one hundred million dollars (\$100,000,000) to the student loan relief grant program fund established by IC 21-12-18-2.**"

Page 150, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 129. IC 21-12-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 18. Student Loan Relief Grant Program

Sec. 1. (a) The student loan relief grant program is established.

(b) The commission shall administer the student loan relief grant program.

Sec. 2. (a) The student loan relief grant program fund is established to assist Indiana residents with outstanding student loans.

(b) The fund consists of the following:

(1) Appropriations by the general assembly.

(2) Gifts to the fund.

(3) A transfer of funds described in IC 4-12-1-21.

Sec. 3. (a) The commission shall administer the fund.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds. Interest that accrues from those investments shall be deposited in the fund.

(d) Money in the fund at the end of a fiscal year does not revert to the state general fund but remains available to be used to provide money for student loan relief grants under this chapter.

Sec. 4. (a) The money in the fund must be used to provide a student loan relief grant to individuals who are residents of Indiana.

(b) Subject to section 8 of this chapter, a student loan relief grant awarded in a particular year under this section is equal to the lesser of the following amounts:

(1) The balance of the individual's total amount of student loans.

(2) Five thousand dollars (\$5,000).

(c) An individual is eligible for a student loan relief grant under this chapter if the individual meets the qualifications under section 5 of this chapter.

Sec. 5. To qualify for a student loan relief grant from the fund, an individual must:

(1) be a resident of Indiana;

(2) have an income that does not exceed one hundred fifty percent (150%) of the federal poverty level as determined by the federal Office of Management and Budget;

(3) have an outstanding student loan balance of at least five thousand dollars (\$5,000); and

(4) be approved by the commission.

Sec. 6. The commission shall annually allocate the available money in the fund to each individual approved under this chapter in proportion to the total number of

individuals approved under this chapter.

Sec. 7. Each:

(1) individual who applies under this chapter; and

(2) individual approved under this chapter;

shall provide to the commission any information that the commission determines is necessary to administer this chapter.

Sec. 8. The commission shall develop criteria as needed to implement the student loan relief grant program under this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 15, 2021.)

HARRIS

Upon request of Representatives Pryor and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 165: yeas 29, nays 67. Motion failed.

HOUSE MOTION
(Amendment 1001-32)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 25, between lines 33 and 34, begin a new line and insert:

"LOCAL LAW ENFORCEMENT TRAINING GRANTS

Total Operating Expense	3,500,000
3,500,000	

The above appropriations are for the purpose of providing grants to city, town, and county law enforcement agencies to conduct law enforcement training, including the purchase of supplies and training materials. Law enforcement agencies may apply for grants in accordance with policies and procedures established by the criminal justice institute. A grant awarded by the criminal justice institute to a law enforcement agency in a fiscal year may not exceed the amount that the law enforcement agency received from fees collected pursuant to IC 35-47-2-3 in calendar year 2020."

(Reference is to HB 1001 as printed February 15, 2021.)

SMALTZ

Upon request of Representatives Lehman and Karickhoff, the Speaker ordered the roll of the House to be called. Roll Call 166: yeas 91, nays 7. Motion prevailed.

HOUSE MOTION
(Amendment 1001-21)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 150, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 131. IC 22-2-2-4, AS AMENDED BY P.L.147-2020, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 4. (a) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which employees are employed, between employees on the basis of sex by paying to employees in such establishment a rate less than the rate at which the employer pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to:**

(1) a seniority system;

(2) a merit system;

(3) a system which measures earnings by quantity or quality of production; or

(4) a differential based on any other factor other than sex.

(b) An employer who is paying a wage rate differential in violation of subsection (a) shall not, in order to comply with

subsection (a), reduce the wage rate of any employee, and no labor organization, or its agents, representing employees of an employer having employees subject to subsection (a) shall cause or attempt to cause such an employer to discriminate against an employee in violation of subsection (a).

(c) Except as provided in ~~subsection (d)~~; **subsections (d) and (e)**, every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after June 30, 2007, **and before July 1, 2022**, wages of not less than the minimum wage payable under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.).

(d) Except as provided in subsection (e), every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after July 1, 2022, an hourly wage of not less than an amount equal to the quotient of:

(1) the annual salary of a member of the general assembly as determined under IC 2-3-1-1(a) for the following calendar year; divided by

(2) two thousand eighty (2,080) hours.

The department shall calculate the hourly wage required under this subsection, and issue a notice to all employers subject to this chapter before June 1, 2022. Thereafter, if the department determines that there has been a change in the amount required under this subsection, the department shall issue a notice to all employers subject to this chapter as soon as practicable. The office of judicial administration shall provide the department with information necessary to make the determinations required by this subsection.

~~(d)~~ **(e)** An employer subject to subsection (c) **or (d)** is permitted to apply a tip credit in determining the amount of cash wage paid to tipped employees. In determining the wage an employer is required to pay a tipped employee, the amount paid the employee by the employee's employer must be an amount equal to:

(1) the cash wage paid the employee, which for purposes of the determination may be not less than the cash wage required to be paid to employees covered under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 203(m)(1)) on August 20, 1996, which amount is two dollars and thirteen cents (\$2.13) an hour; and

(2) an additional amount on account of the tips received by the employee, which amount is equal to the difference between the wage specified in subdivision (1) and the wage in effect under subsection (c) **or (d)**.

An employer is responsible for supporting the amount of tip credit taken through reported tips by the employees.

~~(e)~~ **(f)** This section does not apply if an employee:

(1) provides companionship services to the aged and infirm (as defined in 29 CFR 552.6); and

(2) is employed by an employer or agency other than the family or household using the companionship services, as provided in 29 CFR 552.109 (a).

~~(f)~~ **(g)** Except as otherwise provided in this section, no employer shall employ any employee for a work week longer than forty (40) hours unless the employee receives compensation for employment in excess of forty (40) hours at a rate not less than one and one-half (1.5) times the regular rate at which the employee is employed.

~~(g)~~ **(h)** For purposes of this section the following apply:

(1) "Overtime compensation" means the compensation required by subsection ~~(f)~~; **(g)**.

(2) "Compensatory time" and "compensatory time off" mean hours during which an employee is not working, which are not counted as hours worked during the applicable work week or other work period for purposes of overtime compensation, and for which the employee is

compensated at the employee's regular rate.

(3) "Regular rate" means the rate at which an employee is employed is considered to include all remuneration for employment paid to, or on behalf of, the employee, but is not considered to include the following:

(A) Sums paid as gifts, payments in the nature of gifts made at Christmas time or on other special occasions, as a reward for service, the amounts of which are not measured by or dependent on hours worked, production, or efficiency.

(B) Payments made for occasional periods when no work is performed due to vacation, holiday, illness, failure of the employer to provide sufficient work, or other similar cause, reasonable payments for traveling expenses, or other expenses, incurred by an employee in the furtherance of the employer's interests and properly reimbursable by the employer, and other similar payments to an employee which are not made as compensation for the employee's hours of employment.

(C) Sums paid in recognition of services performed during a given period if:

(i) both the fact that payment is to be made and the amount of the payment are determined at the sole discretion of the employer at or near the end of the period and not pursuant to any prior contract, agreement, or promise causing the employee to expect the payments regularly;

(ii) the payments are made pursuant to a bona fide profit sharing plan or trust or bona fide thrift or savings plan, meeting the requirements of the administrator set forth in appropriately issued regulations, having due regard among other relevant factors, to the extent to which the amounts paid to the employee are determined without regard to hours of work, production, or efficiency; or

(iii) the payments are talent fees paid to performers, including announcers, on radio and television programs.

(D) Contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old age, retirement, life, accident, or health insurance or similar benefits for employees.

(E) Extra compensation provided by a premium rate paid for certain hours worked by the employee in any day or work week because those hours are hours worked in excess of eight (8) in a day or in excess of the maximum work week applicable to the employee under subsection ~~(f)~~ **(g)** or in excess of the employee's normal working hours or regular working hours, as the case may be.

(F) Extra compensation provided by a premium rate paid for work by the employee on Saturdays, Sundays, holidays, or regular days of rest, or on the sixth or seventh day of the work week, where the premium rate is not less than one and one-half (1.5) times the rate established in good faith for like work performed in nonovertime hours on other days.

(G) Extra compensation provided by a premium rate paid to the employee, in pursuance of an applicable employment contract or collective bargaining agreement, for work outside of the hours established in good faith by the contract or agreement as the basic, normal, or regular workday (not exceeding eight (8) hours) or work week (not exceeding the maximum work week applicable to the employee under subsection ~~(f)~~ **(g)**) where the premium rate is not less than one and one-half (1.5) times the rate established in good faith by the contract or agreement for like work performed during the workday or work week.

~~(h)~~ **(i)** No employer shall be considered to have violated

subsection ~~(f)~~ (g) by employing any employee for a work week in excess of that specified in subsection ~~(f)~~ (g) without paying the compensation for overtime employment prescribed therein if the employee is so employed:

- (1) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that no employee shall be employed more than one thousand forty (1,040) hours during any period of twenty-six (26) consecutive weeks; or
- (2) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that during a specified period of fifty-two (52) consecutive weeks the employee shall be employed not more than two thousand two hundred forty (2,240) hours and shall be guaranteed not less than one thousand eight hundred forty (1,840) hours (or not less than forty-six (46) weeks at the normal number of hours worked per week, but not less than thirty (30) hours per week) and not more than two thousand eighty (2,080) hours of employment for which the employee shall receive compensation for all hours guaranteed or worked at rates not less than those applicable under the agreement to the work performed and for all hours in excess of the guaranty which are also in excess of the maximum work week applicable to the employee under subsection ~~(f)~~ (g) or two thousand eighty (2,080) in that period at rates not less than one and one-half (1.5) times the regular rate at which the employee is employed.

~~(f)~~ (j) No employer shall be considered to have violated subsection ~~(f)~~ (g) by employing any employee for a work week in excess of the maximum work week applicable to the employee under subsection ~~(f)~~ (g) if the employee is employed pursuant to a bona fide individual contract, or pursuant to an agreement made as a result of collective bargaining by representatives of employees, if the duties of the employee necessitate irregular hours of work, and the contract or agreement includes the following:

- (1) Specifies a regular rate of pay of not less than the minimum hourly rate provided in subsections ~~(c)~~ and ~~(d)~~ (c), (d), and (e) (whichever is applicable) and compensation at not less than one and one-half (1.5) times that rate for all hours worked in excess of the maximum work week.
- (2) Provides a weekly guaranty of pay for not more than sixty (60) hours based on the rates so specified.

~~(f)~~ (k) No employer shall be considered to have violated subsection ~~(f)~~ (g) by employing any employee for a work week in excess of the maximum work week applicable to the employee under that subsection if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, the amount paid to the employee for the number of hours worked by the employee in the work week in excess of the maximum work week applicable to the employee under that subsection:

- (1) in the case of an employee employed at piece rates, is computed at piece rates not less than one and one-half (1.5) times the bona fide piece rates applicable to the same work when performed during nonovertime hours;
- (2) in the case of an employee performing two (2) or more kinds of work for which different hourly or piece rates have been established, is computed at rates not less than one and one-half (1.5) times those bona fide rates applicable to the same work when performed during nonovertime hours; or
- (3) is computed at a rate not less than one and one-half (1.5) times the rate established by the agreement or understanding as the basic rate to be used in computing overtime compensation thereunder, provided that the rate

so established shall be substantially equivalent to the average hourly earnings of the employee, exclusive of overtime premiums, in the particular work over a representative period of time;

and if the employee's average hourly earnings for the work week exclusive of payments described in this section are not less than the minimum hourly rate required by applicable law, and extra overtime compensation is properly computed and paid on other forms of additional pay required to be included in computing the regular rate.

~~(f)~~ (l) Extra compensation paid as described in this section shall be creditable toward overtime compensation payable pursuant to this section.

~~(f)~~ (m) No employer shall be considered to have violated subsection ~~(f)~~ (g) by employing any employee of a retail or service establishment for a work week in excess of the applicable work week specified therein, if:

- (1) the regular rate of pay of the employee is in excess of one and one-half (1.5) times the minimum hourly rate applicable to the employee under section 2 of this chapter; and
- (2) more than half of the employee's compensation for a representative period (not less than one (1) month) represents commissions on goods or services.

In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate shall be considered commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee.

~~(m)~~ (n) No employer engaged in the operation of a hospital or an establishment which is an institution primarily engaged in the care of the sick, the aged, or individuals with a mental illness or defect who reside on the premises shall be considered to have violated subsection ~~(f)~~ (g) if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, a work period of fourteen (14) consecutive days is accepted in lieu of the work week of seven (7) consecutive days for purposes of overtime computation and if, for the employee's employment in excess of eight (8) hours in any workday and in excess of eighty (80) hours in that fourteen (14) day period, the employee receives compensation at a rate not less than one and one-half (1.5) times the regular rate at which the employee is employed.

~~(m)~~ (o) No employer shall employ any employee in domestic service in one (1) or more households for a work week longer than forty (40) hours unless the employee receives compensation for that employment in accordance with subsection ~~(f)~~ (g).

~~(o)~~ (p) In the case of an employee of an employer engaged in the business of operating a street, a suburban or interurban electric railway, or a local trolley or motorbus carrier (regardless of whether or not the railway or carrier is public or private or operated for profit or not for profit), in determining the hours of employment of such an employee to which the rate prescribed by subsection ~~(f)~~ (g) applies, there shall be excluded the hours the employee was employed in charter activities by the employer if both of the following apply:

- (1) The employee's employment in the charter activities was pursuant to an agreement or understanding with the employer arrived at before engaging in that employment.
- (2) If employment in the charter activities is not part of the employee's regular employment.

~~(p)~~ (q) Any employer may employ any employee for a period or periods of not more than ten (10) hours in the aggregate in any work week in excess of the maximum work week specified in subsection ~~(f)~~ (g) without paying the compensation for overtime employment prescribed in subsection ~~(f)~~ (g), if during that period or periods the employee is receiving remedial education that:

- (1) is provided to employees who lack a high school

diploma or educational attainment at the eighth grade level;

(2) is designed to provide reading and other basic skills at an eighth grade level or below; and

(3) does not include job specific training.

(†) (r) Subsection (†) (g) does not apply to an employee of a motion picture theater.

(†) (s) Subsection (†) (g) does not apply to an employee of a seasonal amusement or recreational establishment, an organized camp, or a religious or nonprofit educational conference center that is exempt under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 213).

(†) (t) Subsection (†) (g) does not apply to an employee of an air carrier subject to Title II of the federal Railway Labor Act (45 U.S.C. 181 et seq.) to the extent that the hours worked by the employee during a work week in excess of forty (40) hours are not required by the air carrier but are arranged through a voluntary agreement between employees to trade or reassign their scheduled work hours."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 15, 2021.)

PRYOR

Upon request of Representatives Pryor and Porter, the Speaker ordered the roll of the House to be called. Roll Call 167: yeas 28, nays 66. Motion failed.

HOUSE MOTION (Amendment 1001-7)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 136, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 1. IC 20-43-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 16. Teacher Retention Bonus Matching Grant Program and Fund

Sec. 1. This chapter applies only to the state fiscal year beginning July 1, 2021, and ending June 30, 2022.

Sec. 2. As used in this chapter, "eligible teacher" refers to a teacher who meets the requirements established under section 8 of this chapter.

Sec. 3. As used in this chapter, "program" refers to the teacher retention bonus matching grant program established by section 6 of this chapter.

Sec. 4. As used in this chapter, "school corporation" has the meaning set forth in IC 20-18-2-16(a).

Sec. 5. In addition to a basic tuition support distribution, a school corporation is eligible for a matching grant under this chapter.

Sec. 6. (a) The teacher retention bonus matching grant program is established to provide matching grants to school corporations for the purpose of providing bonuses to teachers who meet the requirements established under section 8 of this chapter.

(b) The department shall administer the program.

Sec. 7. (a) A school corporation must do the following to participate in the program:

(1) Apply on a form and in a manner established by the department.

(2) Apply by the date established by the department.

(3) Submit the following information:

(A) The total number of eligible teachers who are employed by the school corporation.

(B) The total amount of the cost to the school corporation to provide all eligible teachers employed by the school corporation with the applicable bonus amounts described in section 9 of this chapter.

(C) Subject to subsection (b), the amount of funds

that the school corporation is committing to contribute under the program for bonuses to all eligible teachers employed by the school corporation.

(4) Agree to the following:

(A) If the school corporation receives a grant under this chapter, the school corporation will:

(i) use school corporation funds to match the amount of the grant; and

(ii) provide bonuses in the amounts established under section 9 of this chapter to all eligible teachers employed by the school corporation.

(B) The school corporation will pay the bonus amounts to eligible teachers employed by the school corporation before July 1, 2022.

(b) To receive a grant under this chapter, a school corporation must commit to contribute at least one-half (1/2) of the total amount of the cost to the school corporation to provide all eligible teachers employed by the school corporation with the applicable bonus amounts described in section 9 of this chapter.

(c) If a school corporation meets the requirements under this chapter, the department may award a grant under this chapter to the school corporation in an amount that equals one-half (1/2) of the total cost of providing bonuses to eligible teachers employed by the school corporation.

(d) The department may not award more than one (1) grant to each school corporation.

Sec. 8. A school corporation that receives a grant under this chapter may provide a bonus in an amount provided under section 9 of this chapter to an eligible teacher who meets the following requirements:

(1) The teacher was employed as a full-time teacher by the school corporation for the entire 2020-2021 school year.

(2) The teacher:

(A) has a contract; and

(B) is employed as a full-time teacher; with the school corporation on September 15, 2021, and on the date the teacher receives the bonus.

(3) The teacher was rated effective or highly effective on the teacher's performance evaluation under IC 20-28-11.5 for the 2020-2021 school year.

Sec. 9. A school corporation that receives a grant under this chapter shall provide bonuses to eligible teachers employed by the school corporation in the following amounts:

(1) Five thousand dollars (\$5,000) for an eligible teacher who has been providing instruction to students as a teacher for less than six (6) school years.

(2) Four thousand dollars (\$4,000) for an eligible teacher who has been providing instruction to students as a teacher for at least six (6) school years but less than eleven (11) school years.

(3) Three thousand dollars (\$3,000) for an eligible teacher who has been providing instruction to students as a teacher for at least eleven (11) school years but less than sixteen (16) school years.

(4) Two thousand dollars (\$2,000) for an eligible teacher who has been providing instruction to students as a teacher for at least sixteen (16) school years but less than twenty-one (21) school years.

(5) One thousand dollars (\$1,000) for an eligible teacher who has been providing instruction to students as a teacher for twenty-one (21) or more school years.

Sec. 10. If a school corporation receives a grant under this chapter, the bonus that the school corporation provides to an eligible teacher:

(1) must be in excess of the salary specified in the school corporation's compensation plan; and

(2) is in addition to bargained salary and wages and

not subject to bargaining under IC 20-29.

Sec. 11. (a) The teacher retention bonus matching grant fund is established for the purpose of providing matching grants to school corporations under the program.

(b) The department shall administer the fund.

(c) The fund consists of the following:

(1) Appropriations by the general assembly.

(2) Interest deposited in the fund under subsection (d).

(3) Donations, gifts, and money received from any other source, including transfers from other funds or accounts.

(d) The treasurer of state shall invest money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) All money accruing to the fund is appropriated continuously for the purposes of the fund.

(f) Money in the fund at the end of a state fiscal year reverts to the state general fund.

Sec. 12. (a) Not later than October 1, 2022, the department shall prepare a report that includes the following:

(1) A list of all of the school corporations that participated in the program.

(2) The amount of the matching grant awarded to each participating school corporation.

(3) The total amount of matching grants awarded under this chapter.

(b) The department shall submit the report described in subsection (a) to the:

(1) governor; and

(2) legislative council in an electronic format under IC 5-14-6.

Sec. 13. The state board may adopt rules under IC 4-22-2 necessary to implement this chapter.

Sec. 14. There is appropriated to the fund from the state general fund an amount sufficient to fully fund grants under the program for every participating school corporation.

Sec. 15. This chapter expires January 1, 2023."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 15, 2021.)

DELANEY

Upon request of Representatives DeLaney and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 168: yeas 29, nays 68. Motion failed.

HOUSE MOTION (Amendment 1001-18)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 126, delete lines 45 through 47.

Page 127, delete lines 1 through 3.

Page 130, delete line 47.

Delete page 131.

Page 132, delete lines 1 through 17.

Page 133, reset in roman lines 20 through 25.

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 15, 2021.)

PFAFF

Upon request of Representatives Pfaff and Porter, the Speaker ordered the roll of the House to be called. Roll Call 169: yeas 30, nays 65. Motion failed.

HOUSE MOTION (Amendment 1001-27)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 3, line 37, delete "Included" and insert "Notwithstanding the amounts appropriated above, no member of the general assembly is entitled to a salary or

subsistence under this SECTION until the house and senate have voted on a bill that would abolish abortion in the state of Indiana by ensuring the right to life and equal protection of the laws to all preborn children located in the state of Indiana from the moment of fertilization. Included".

(Reference is to HB 1001 as printed February 15, 2021.)

NISLY

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was ruled out of order.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Karickhoff.

HOUSE MOTION (Amendment 1001-25)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 88, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 56. IC 5-28-41.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 41.2. Small Business Sales Tax Remittance Relief Program

Sec. 1. As used in this chapter, "corporation" refers to the Indiana economic development corporation.

Sec. 2. As used in this chapter, "fund" means the small business sales tax remittance relief program fund established by section 6 of this chapter.

Sec. 3. As used in this chapter, "eligible small business" refers to a business entity that:

(1) is authorized to transact business in Indiana;

(2) maintains a majority of its business operations within Indiana; and

(3) did not do business as a C corporation in Indiana during calendar years 2020 or 2021.

Sec. 4. As used in this chapter, "program" means the small business sales tax remittance relief program established by section 5 of this chapter.

Sec. 5. (a) The small business sales tax remittance relief program is established to provide a grant to an eligible small business that has been significantly impacted as a result of the coronavirus disease (COVID-19) pandemic based on the amount of state gross retail taxes remitted under IC 6-2.5 by the eligible small business.

(b) The corporation shall administer the program. The corporation shall be prepared to begin accepting applications under the program no later than July 1, 2021.

Sec. 6. (a) The small business sales tax remittance relief program fund is established to carry out the purposes of this chapter. The fund shall be administered by the corporation.

(b) The fund consists of:

(1) appropriations by the general assembly;

(2) money received from any state or federal grants or programs, including any federal grant or program enacted to provide economic relief in response to the coronavirus disease (COVID-19) pandemic; and

(3) grants, gifts, and donations intended for deposit in the fund, including transfers from other accounts or funds.

(c) The expenses of administering the fund shall be paid from money in the fund.

Sec. 7. (a) Subject to section 8 of this chapter, an eligible small business may apply to the corporation for a grant from the program under this chapter.

(b) The corporation shall prescribe the form of the application.

(c) An eligible small business must submit with an

application under this chapter a certification from the state department of revenue that certifies the aggregate amount of state gross retail taxes remitted under IC 6-2.5 by the eligible small business during a time period specified by the eligible small business.

(d) The state department of revenue shall provide a written certification of the aggregate amount of state gross retail taxes remitted under IC 6-2.5 by an eligible small business during a time period specified by the eligible small business to an eligible small business that requests a certification under this chapter. The state department of revenue shall prescribe the form of the request.

Sec. 8. An eligible small business may apply for a grant under the program in an amount that does not exceed an amount equal to the aggregate amount of state gross retail taxes remitted under IC 6-2.5 by the eligible small business between March 15, 2020, and June 1, 2021.

Sec. 9. The corporation shall review an application submitted under this chapter and may provide a grant to an eligible small business that has been significantly impacted as a result of the coronavirus disease (COVID-19) pandemic as provided in this chapter.

Sec. 10. The maximum total grant amount that may be awarded to an eligible small business may not exceed five thousand dollars (\$5,000).

Sec. 11. The total amount of grants issued by the corporation under this chapter may not exceed forty million dollars (\$40,000,000)."

Page 150, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 130. IC 22-4.1-4-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The department of workforce development shall develop and implement a work sharing unemployment insurance program that is intended to:

- (1) preserve the jobs of employees and the workforce of an employer during lowered economic activity by a reduction in work hours or work days rather than by a layoff of some employees while other employees continue their normal weekly work hours or work days; and
- (2) ameliorate the adverse effect of reduction in business activity by providing benefits for the part of the normal weekly work hours or work days in which an employee does not work.

The program developed under this subsection must be functional not later than January 1, 2023.

(b) The program developed under subsection (a) must maximize any temporary or continuing federal funding available for purposes of administration or the providing of assistance of a work sharing unemployment insurance program."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 15, 2021.)

HATFIELD

Upon request of Representatives Hatfield and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 170: yeas 29, nays 67. Motion failed.

HOUSE MOTION
(Amendment 1001-24)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 48, line 18, delete "43,914,740 44,240, 193" and insert "**50,000,000 50,000,000**".

Page 48, line 21, after "waiver." insert "**Notwithstanding IC 4-13-2-19 and any other law, the above appropriations for C.H.O.I.C.E. In-Home Services do not revert to the state general fund or any other fund at the close of a state fiscal year but remain available in subsequent state fiscal years for**

the purposes of the appropriation.".

Page 52, between lines 13 and 14, begin a new line block indented and insert:

**"Doula Program
3,000,000**

The state department of health shall use the above biennial appropriation for implementation of a doula program that will concentrate on the areas of the state that have the highest incidences of infant mortality."

Page 54, line 3, delete "3,000,000 3,000,000" and insert "**10,000,000 10,000,000**".

Page 54, line 6, after "IC 4-12-7." insert "**Of the above appropriations to the Local Health Department Account, for each state fiscal year, of the total appropriation, three million dollars (\$3,000,000) shall be deposited from the Tobacco Master Settlement Agreement Fund (IC 4-12-1-14.3), and seven million dollars (\$7,000,000) of the total appropriation for the state fiscal year shall be deposited from the state general fund. Notwithstanding IC 4-13-2-19 and any other law, the above appropriations for the Local Health Department Account do not revert to the state general fund or any other fund at the close of a state fiscal year but remain available in subsequent state fiscal years for the purposes of the appropriation."**

Page 64, delete lines 1 through 3.

Page 74, delete line 15.

Page 81, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 35. IC 4-12-1-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 21. **If, in compiling a state general fund combined statement of estimated unappropriated reserve, the budget agency determines that the net combined balances as a percent of current year resources equal an amount that exceeds thirteen percent (13%), the budget agency shall transfer an amount sufficient to the Indiana prescription drug account established by IC 4-12-8-2(a) to make the supplemental prescription drug rebate distribution as described in IC 4-12-8-2(d).**

SECTION 36. IC 4-12-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The Indiana prescription drug account is established within the Indiana tobacco master settlement agreement fund for the purpose of providing access to needed prescription drugs to ensure the health and welfare of Indiana's low-income senior citizens. The account consists of:

- (1) amounts to be distributed to the account from the Indiana tobacco master settlement agreement fund;
- (2) appropriations to the account from other sources;
- (3) rebates:

(A) required under 42 U.S.C. 1396r-8(a) for a Medicaid waiver under which a prescription drug program is established or implemented; or

(B) voluntarily negotiated under a prescription drug program that is established or implemented;

to provide access to prescription drugs for low income senior citizens; ~~and~~

(4) grants, gifts, and donations intended for deposit in the account; ~~and~~

(5) transfers under IC 4-12-1-21, for the purposes described in subsection (d).

(b) The account shall be administered by the budget agency. Expenses for administration and benefits under the Indiana prescription drug program established under IC 12-10-16 shall be paid from the account. Money in the account at the end of the state fiscal year does not revert to the state general fund or the Indiana tobacco master settlement agreement fund but is annually appropriated and remains available for expenditure for a prescription drug program established or implemented to

provide access to prescription drugs for low income senior citizens.

(c) Money in the account may be used to match federal funds available under a Medicaid waiver under which a prescription drug program is established or implemented to provide access to prescription drugs for low income senior citizens.

(d) If an amount is transferred to the account under IC 4-12-1-21, the budget agency shall distribute, using only the money transferred, a supplemental prescription drug rebate distribution to each participant of the Indiana prescription drug program established under IC 12-10-16 in the amount of one hundred fifty dollars (\$150)."

Page 116, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 85. IC 6-8.1-3-17, AS AMENDED BY P.L.146-2020, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) Before an original tax appeal is filed with the tax court under IC 33-26, the commissioner, or the taxpayer rights advocate office to the extent granted the authority by the commissioner, may settle any tax liability dispute if a substantial doubt exists as to:

- (1) the constitutionality of the tax under the Constitution of the State of Indiana;
- (2) the right to impose the tax;
- (3) the correct amount of tax due;
- (4) the collectability of the tax; or
- (5) whether the taxpayer is a resident or nonresident of Indiana.

(b) After an original tax appeal is filed with the tax court under IC 33-26, and notwithstanding IC 4-6-2-11, the commissioner may settle a tax liability dispute with an amount in contention of twenty-five thousand dollars (\$25,000) or less. Notwithstanding IC 6-8.1-7-1(a), the terms of a settlement under this subsection are available for public inspection.

(c) The department shall establish an amnesty program for taxpayers having an unpaid tax liability for a listed tax that was due and payable for a tax period ending before January 1, ~~2017~~. **2019.** A taxpayer is not eligible for the amnesty program:

- (1) for any tax liability resulting from the taxpayer's failure to comply with IC 6-3-1-3.5(b)(3) with regard to the tax imposed by IC 4-33-13 or IC 4-35-8; or
- (2) if the taxpayer participated in any previous amnesty program under:
 - (A) this section (as in effect on December 31, 2014); ~~or~~
 - (B) this section (as in effect on December 31, 2020);**
 - ~~or~~
 - (B) (C) IC 6-2.5-14.**

The time in which a voluntary payment of tax liability may be made (or the taxpayer may enter into a payment program acceptable to the department for the payment of the unpaid listed taxes in full in the manner and time established in a written payment program agreement between the department and the taxpayer) under the amnesty program is limited to the period determined by the department, not to exceed eight (8) regular business weeks ending before the earlier of the date set by the department or January 1, ~~2017~~. **2023.** The amnesty program must provide that, upon payment by a taxpayer to the department of all listed taxes due from the taxpayer for a tax period (or payment of the unpaid listed taxes in full in the manner and time established in a written payment program agreement between the department and the taxpayer), entry into an agreement that the taxpayer is not eligible for any other amnesty program that may be established and waives any part of interest and penalties on the same type of listed tax that is being granted amnesty in the current amnesty program, and compliance with all other amnesty conditions adopted under a rule of the department in effect on the date the voluntary payment is made, the department:

- (1) shall abate and not seek to collect any interest, penalties, collection fees, or costs that would otherwise be

applicable;

(2) shall release any liens imposed;

(3) shall not seek civil or criminal prosecution against any individual or entity; and

(4) shall not issue, or, if issued, shall withdraw, an assessment, a demand notice, or a warrant for payment under IC 6-8.1-5-1, IC 6-8.1-5-3, IC 6-8.1-8-2, or another law against any individual or entity;

for listed taxes due from the taxpayer for the tax period for which amnesty has been granted to the taxpayer. Amnesty granted under this subsection is binding on the state and its agents. However, failure to pay to the department all listed taxes due for a tax period invalidates any amnesty granted under this subsection for that tax period. The department shall conduct an assessment of the impact of the tax amnesty program on tax collections and an analysis of the costs of administering the tax amnesty program. As soon as practicable after the end of the tax amnesty period, the department shall submit a copy of the assessment and analysis to the legislative council in an electronic format under IC 5-14-6. The department shall enforce an agreement with a taxpayer that prohibits the taxpayer from receiving amnesty in another amnesty program.

(d) For purposes of subsection (c), a liability for a listed tax is due and payable if:

(1) the department has issued:

- (A) an assessment of the listed tax under IC 6-8.1-5-1;
- (B) a demand for payment under IC 6-8.1-5-3; or
- (C) a demand notice for payment of the listed tax under IC 6-8.1-8-2;

(2) the taxpayer has filed a return or an amended return in which the taxpayer has reported a liability for the listed tax; or

(3) the taxpayer has filed a written statement of liability for the listed tax in a form that is satisfactory to the department.

(e) The department may waive interest and penalties if the general assembly enacts a change in a listed tax for a tax period that increases a taxpayer's tax liability for that listed tax after the due date for that listed tax and tax period. However, such a waiver shall apply only to the extent of the increase in tax liability and only for a period not exceeding sixty (60) days after the change is enacted. The department may adopt rules, including emergency rules, or issue guidelines to carry out this subsection.

SECTION 86. IC 6-8.1-3-24.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 24.5. (a) The department may adopt emergency rules under IC 4-22-2-37.1 to carry out a tax amnesty program under section 17 of this chapter.**

(b) Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the department under IC 4-22-2-37.1 expires on the date specified in the emergency rule.

(c) This section expires July 1, 2023."

Page 116, line 9, after "25." insert "(a)".

Page 116, line 11, after "2015," insert "and before January 1, 2017,".

Page 117, between lines 18 and 19, begin a new paragraph and insert:

"(b) Notwithstanding any other law, the department shall deposit the amounts collected under a tax amnesty program carried out under section 17 of this chapter after June 30, 2021, in the minority health disparities alleviation fund established by IC 12-8-1.5-20(b).

SECTION 88. IC 6-8.1-10-12, AS AMENDED BY P.L.213-2015, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. (a) This section applies to a penalty related to a tax liability to the extent that the:

- (1) tax liability is for a listed tax;

(2) tax liability was due and payable, as determined under IC 6-8.1-3-17(d), for a tax period ending before January 1, ~~2013~~; **2019**;

(3) department establishes an amnesty program for the tax liability under IC 6-8.1-3-17(c);

(4) individual or entity from which the tax liability is due was eligible to participate in the amnesty program described in subdivision (3); and

(5) tax liability is not paid:

(A) in conformity with a payment program acceptable to the department that provides for payment of the unpaid listed taxes in full in the manner and time established in a written payment program agreement entered into between the department and the taxpayer under IC 6-8.1-3-17(c); or

(B) if clause (A) does not apply, before the end of the amnesty period established by the department.

(b) Subject to subsection (c), if a penalty is imposed or otherwise calculated under any combination of:

- (1) IC 6-8.1-1-8;
- (2) section 2.1 of this chapter;
- (3) section 3 of this chapter;
- (4) section 3.5 of this chapter;
- (5) section 4 of this chapter;
- (6) section 5 of this chapter;
- (7) section 6 of this chapter;
- (8) section 7 of this chapter;
- (9) section 9 of this chapter; or
- (10) IC 6-6;

an additional penalty is imposed under this section. The amount of the additional penalty imposed under this section is equal to the sum of the penalties imposed or otherwise calculated under the provisions listed in subdivisions (1) through (10).

(c) The additional penalty provided by subsection (b) does not apply if all of the following apply:

(1) The department imposes a penalty on a taxpayer or otherwise calculates the penalty under the provisions described in subsection (b)(1) through (b)(10).

(2) The taxpayer against whom the penalty is imposed:

(A) timely files an original tax appeal in the tax court under IC 6-8.1-5-1; and

(B) contests the department's imposition of the penalty or the tax on which the penalty is based.

(3) The taxpayer meets all other jurisdictional requirements to initiate the original tax appeal.

(4) Either the:

(A) tax court enjoins collection of the penalty or the tax on which the penalty is based under IC 33-26-6-2; or

(B) department consents to an injunction against collection of the penalty or tax without entry of an order by the tax court.

(d) The additional penalty provided by subsection (b) does not apply if the taxpayer:

(1) has a legitimate hold on making the payment as a result of an audit, bankruptcy, protest, taxpayer advocate action, or another reason permitted by the department;

(2) had established a payment plan with the department before May 12, ~~2015~~; **2021**; or

(3) verifies with reasonable particularity that is satisfactory to the commissioner that the taxpayer did not ever receive notice of the outstanding tax liability."

Page 120, between lines 42 and 43, begin a new paragraph and insert:

"SECTION 98. IC 12-8-1.5-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 20. (a) As used in this section, "fund" refers to the minority health disparities alleviation fund established by subsection (b).**

(b) The minority health disparities alleviation fund is established for the purpose of awarding grants to eligible

entities for use in addressing and alleviating health disparities in minorities. The office of the secretary shall administer the fund.

(c) The fund consists of:

(1) deposits in the fund under IC 6-8.1-3-25(b);

(2) money appropriated by the general assembly; and

(3) gifts, grants, devises, or bequests made for the purposes of the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The office of the secretary shall establish criteria to determine who is an eligible entity.

(f) An eligible entity may apply for a grant from the fund in a manner prescribed by the office of the secretary.

(g) The office of the secretary may award grants from the fund to eligible entities."

Page 125, delete lines 21 through 29.

Page 157, delete lines 27 through 32, begin a new paragraph and insert:

"SECTION 145. [EFFECTIVE UPON PASSAGE] **(a) One hundred ten million dollars (\$110,000,000) is appropriated from the state general fund to the budget agency for the state fiscal year ending June 30, 2021, to:**

(1) defease any remaining bonds issued by the recreational development commission or the state fair commission; and

(2) pay regularly scheduled payments on remaining bonds issued by the state office building commission.

Money appropriated under this SECTION may not be used to pay in full any remaining balance on bonds issued by the state office building commission.

(b) This SECTION expires July 1, 2022.

SECTION 146. [EFFECTIVE UPON PASSAGE] **(a) The department of insurance shall, in coordination with the office of the secretary of family and social services and any other relevant entities, analyze the advantages and disadvantages of designing and implementing a state health insurance exchange to replace the current use of the federal health exchange and report the findings to the legislative council no later than January 1, 2022. The report under this SECTION must be submitted in an electronic format under IC 5-14-6.**

(b) This SECTION expires July 1, 2022."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 15, 2021.)

SHACKLEFORD

Upon request of Representatives Shackelford and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 171: yeas 29, nays 68. Motion failed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION (Amendment 1001-8)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 129, line 30, strike "three thousand six hundred seventy-five" and insert **"four thousand dollars (\$4,000)."**

Page 129, strike line 31.

(Reference is to HB 1001 as printed February 15, 2021.)

DELANEY

Upon request of Representatives Pryor and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 172: yeas 27, nays 71. Motion failed.

HOUSE MOTION (Amendment 1001-22)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 36, line 48, delete "300,000 300,000" and insert

"500,000 400,000".

Page 157, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 141. [EFFECTIVE UPON PASSAGE] (a) For the state fiscal year beginning July 1, 2020, and ending June 30, 2021, five hundred thousand dollars (\$500,000) is appropriated from the state general fund to the Indiana economic development corporation for use in programs that provide funding to small businesses impacted by the coronavirus disease (COVID-19) pandemic. The appropriation under this SECTION may only be used for assistance of minority and women-owned small businesses under such a program.

(b) Money appropriated under this SECTION does not revert to the state general fund at end of the state fiscal year.

(c) This SECTION expires July 1, 2024."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 15, 2021.)

PRYOR

Upon request of Representatives Pryor and Shackelford, the Speaker ordered the roll of the House to be called. Roll Call 173: yeas 28, nays 70. Motion failed.

HOUSE MOTION
(Amendment 1001-43)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 150, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 131. IC 21-20-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 6. Kinsey Institute

Sec. 1. For purposes of this chapter, "administration, operation, or programs" includes any of the following that are used or done for, by, or on behalf of the Kinsey Institute for Research in Sex, Gender, and Reproduction:

- (1) On-campus facilities.
- (2) Equipment, furniture, furnishings, or office supplies.
- (3) Land or property.
- (4) Utilities.
- (5) Advertising or promotional material included in literature or media presentations.
- (6) Loans, grants, special accounts, or funds.
- (7) Programs, special projects, or research.
- (8) Maintenance of facilities.
- (9) Administrative costs, operation costs, rentals, or mortgages.
- (10) Printing, duplicating, or copying.
- (11) Publication of materials.
- (12) Restoration, maintenance, or housing of research documents, including photographs, audiovisual tapes or films, and printed material.
- (13) Exhibits or displays.

Sec. 2. State appropriations may not be used to pay for the administration, operation, or programs of the Kinsey Institute for Research in Sex, Gender, and Reproduction."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed February 15, 2021.)

JACOB

Motion withdrawn.

HOUSE MOTION
(Amendment 1001-19)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 50, line 6, delete "22,005,069 22,005,069" and insert "50,000,000 50,000,000".

(Reference is to HB 1001 as printed February 15, 2021.)

AUSTIN

Upon request of Representatives Austin and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 174: yeas 28, nays 70. Motion failed.

HOUSE MOTION
(Amendment 1001-23)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 36, line 48, delete "300,000 300,000" and insert "1,500,000 1,500,000".

(Reference is to HB 1001 as printed February 15, 2021.)

PRYOR

Upon request of Representatives Pryor and Porter, the Speaker ordered the roll of the House to be called. Roll Call 175: yeas 27, nays 69. Motion failed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1040

Representative Pressel called down Engrossed House Bill 1040 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 176: yeas 92, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bohacek.

Engrossed House Bill 1090

Representative Harris called down Engrossed House Bill 1090 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 177: yeas 95, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Charbonneau and Melton.

Engrossed House Bill 1110

Representative Bartels called down Engrossed House Bill 1110 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 178: yeas 78, nays 19. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Baldwin, Garten and Messmer.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Karickhoff.

Engrossed House Bill 1125

Representative Lehman called down Engrossed House Bill 1125 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 179: yeas 97, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators L. Brown and Tallian.

Engrossed House Bill 1224

Representative Eberhart called down Engrossed House Bill 1224 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 180: yeas 69, nays 28. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Messmer, Garten and Tallian.

Engrossed House Bill 1260

Representative Cook called down Engrossed House Bill 1260 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 181: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator M. Young.

Engrossed House Bill 1286

Representative Lindauer called down Engrossed House Bill 1286 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 182: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Charbonneau and Messmer.

Engrossed House Bill 1309

Representative Engleman called down Engrossed House Bill 1309 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 183: yeas 95, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Altting and Boots.

Engrossed House Bill 1337

Representative Hostettler called down Engrossed House Bill 1337 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION

Mr. Speaker: I move that Engrossed House Bill 1337 be returned to the second reading calendar forthwith for the purpose of amendment.

HOSTETTTLER

Motion prevailed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed House Bill 1381

Representative Soliday called down Engrossed House Bill 1381 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 184: yeas 58, nays 39. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Messmer and Koch.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representatives Bartels and Campbell be added as coauthors of House Bill 1028.

LUCAS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hamilton be added as coauthor of House Bill 1055.

AYLESWORTH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Torr and McNamara be added as coauthors of House Bill 1095.

MOED

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives McNamara, Carbaugh and Morris be added as coauthors of House Bill 1097.

ABBOTT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Torr, McNamara and VanNatter be added as coauthors of House Bill 1110.

BARTELS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bartels be added as coauthor of House Bill 1115.

MILLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Manning, Jackson and Barrett be added as coauthors of House Bill 1177.

PORTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Heaton be added as coauthor of House Bill 1190.

PRESSEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Judy, May and Gore be added as coauthors of House Bill 1270.

FRYE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Moed be added as coauthor of House Bill 1381.

SOLIDAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bartels be added as coauthor of House Bill 1383.

COOK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Manning be added as coauthor of House Bill 1485.

WESCO

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Frye be added as coauthor of House Bill 1515.

JUDY

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 51, 93, 101, 150, 197, 198, 199, 204, 209, 218, 220, 232, 234, 280, 316, 323 and 405 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 12 and the same is herewith returned to the House.

JENNIFER L. MERTZ

Principal Secretary of the Senate

On the motion of Representative Zent, the House adjourned at 7:56 p.m., this seventeenth day of February, 2021, until Thursday, February 18, 2021, at 10:00 a.m.

TODD M. HUSTON

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives